Washington, Thursday, August 24, 1944

The President

EXECUTIVE ORDER 9468

TRANSFER OF CERTAIN PERSONNEL AMONG THE COAST AND GEODETIC SURVEY AND THE WAR AND NAVY DEPARTMENTS

By virtue of the authority yested in me by section 16 of the act of May 22, 1917, 40 Stat. 87 (U. S. C., title 33, Sec. 855), and as President of the United States, and in view of the existing national emergency, it is hereby ordered as fol-

1. Commissioned officers of the Coast and Geodetic Survey transferred to the service and jurisdiction of the War or Navy Department are hereby authorized to be returned to the service and jurisdiction of the Coast and Geodetic Survey when so directed by the Secretary of War or the Secretary of the Navy.

2. Commissioned officers of the Coast and Geodetic Survey are hereby authorized to be transferred to the service and jurisdiction of the War or Navy Department as replacements for commissioned officers of the Coast and Geodetic Survey serving with those departments upon mutual agreement between the Secretary of Commerce and the Secretary of War or the Secretary of the Navy.

3. Commissioned officers of the Coast and Geodetic Survey shall, while under the jurisdiction of the War or Navy Department, serve under their commissions in the Coast and Geodetic Survey, and while so serving shall constitute a part of the active military or naval forces of the United States and shall be under direct orders of the War or Navy Department and subject to the laws. regulations, and orders for the government of the Army or Navy so far as they may be applicable.

4. Commissioned officers of the Coast and Geodetic Survey transferred to the War or Navy Department shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist, unless sooner returned in accordance with this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE August 22, 1944.

[F. R. Doc. 44-12725; Filed, August 23, 1944; 11:07 a.m.]

Regulations

TITLE 26—INTERNAL REVENUE

Chapter I-Bureau of Internal Revenue Subchapter A-Income and Excess-Profits Taxes [T. D. 5399]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DISALLOWANCE OF CERTAIN DEDUCTIONS

Regulations 111 amended to conform to section 129 of the Revenue Act of 1943, relating to disallowance of certain deductions attributable to business operated by individual at loss for five years.

In order to conform Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Supp.] to section 129 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

There is inserted immediately preceding section 131 the following:

SEC. 129. DISALLOWANCE OF CENTAIN DEDUCTIONS ATTRIBUTABLE TO DUBLINECT OPERATED BY IN-DIVIDUAL AT LOSS FOR FIVE YEARS. (REVENUE Act of 1943, Title I.)

(a) In general. Supplement B of Chapter 1 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 130. LIMITATION ON DEDUCTIONS ALLOW-ABLE TO INDIVIDUALS IN CERTAIN CASES.

(a) Recomputation of net income. If the deductions (other than taxes and interest) allowable to an individual (except for the provisions of this section) and attributable to a trade or business carried on by him for five consecutive taxable years have, in each of such years, exceeded by more than \$50,000 the gross income derived from such trade or business, the net income of such individual for each of such years shall be recomputed. For the purpose of such recomputation in the case of any such taxable year, such deductions shall be allowed only to the extent of \$50,000 plus the gross income attributable to such trade or business, except that the net operating less deductions, to the extent attributable to such trade or

business, shall not be allowed.
(b) Redetermination of tax. Upon the basis of the net income computed under the provisions of subsection (a) for each of the five consecutive taxable years received in such subsection, the tax imposed by this chapter shall be redetermined for each such

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

Book 1: Titles 1-3 (Presidential documents) with tables and index. Book 2: Titles 4-9, with index. Book 3: Titles 10-17, with index. Book 4: Titles 18-25, with index. Book 5, Part 1: Title 26, Parts 2-178. Book 5, Part 2: Title 26, completed; Title 27; with index.

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taxable year. If for any such taxable year

taxable year. If for any such taxable year assessment of a deficiency is prevented (except for the provisions of sections 3801 and 3807) by the operation of any law or rule of law (other than section 3761, relating to compromises) any increase in the tax previously determined for such taxable year shall be considered a deficiency for the purposes of this section. For the purposes of this section the term "tax previously determined" shall have the meaning assigned to such term by section 3801 (d).

(c) Extension of Statute of Limitations. Notwithstanding any law or rule of law

(other than section 3761, relating to compromises), any amount determined as a doficiency under subsection (b), or which would be so determined if assessment were prevented in the manner described in sub-section (b), with respect to any taxable year may be assessed as if on the date of the expiration of the time prescribed by law for the assessment of a deficiency for the fifth taxable year of the five consecutive taxable years specified in subsection (a), one year remained before the expiration of the period of limitation upon assessment for any such taxable year.

(b) Effective date of amendment. The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1939, but shall not affect any tax liability for any taxable year beginning prior to January 1, 1944.

§ 29.130-1 Limitation on deductions allowable to individuals in certain cases-(a) Recomputation of net income. Section 130 serves to limit the deductions, other than taxes and interest, attributable to a trade or business carried on by an individual which are otherwise allowable to such individual under the provisions of chapter 1. If in each of five consecutive taxable years the deductions attributable to a trade or business, except the deduction for interest and except the deduction for taxes, exceed the gross income derived from such trade or business by more than \$50,000, the net income of such individual must be recomputed for each of such five taxable years. In recomputing the net income for each of the five taxable years, deductions (other than those for interest and taxes) attributable to the trade or business, and otherwise allowable under chapter 1, shall be allowed only to the extent of:

(1) The gross income derived from the trade or business, plus (2) \$50,000.

The deduction for interest and the deduction for taxes shall each be allowed in full. The net operating loss deduction provided in section 23 (s), to the extent attributable to the given trade or busi-ness, shall be disallowed in its entirety in making such recomputation. Thus, any carry-over or carry-back of a net operating loss, so attributable, either from a year within the period of five consecutive taxable years or from a year outside of such period, shall be ignored in making the recomputation of net income. However, the net operating loss deduction provided in section 23 (s) shall be included in determining whether the deductions (other than the deduction for interest and the deduction for taxes). otherwise allowable under chapter 1, which are attributable to a trade or business exceed the gross income derived from such trade or business by more than \$50,000 in any taxable year. The limitations on deductions provided by section 130 are applicable in determining under section 122 the amount of any net operating loss carry-over or carry-back from any year which falls within the provisions of section 130 to any year which does not fall within such provisions. Also in determining under section 122 the amount of any net operating loss carryover from a year which falls within the provisions of section 130 to a year which

does not fall within such provisions, the amount of the net operating loss is to be reduced by the net income (determined after the application of section 130 and computed as provided in § 29.122-4 (c)) of (1) the two preceding taxable years and of (2) the first succeeding taxable year if such first succeeding taxable year falls within the provisions of section 130, even though the net operating loss deduction is not an allowable deduction for such succeeding or preceding taxable years.

If an individual carries on several trades or businesses, the deductions attributable to such trades or businesses, and the gross income derived from such trades or businesses, shall not be aggregated in determining whether the deductions (other than those for interest and taxes) exceed the gross income derived from such trades or businesses by more than \$50,000 in any taxable year. Each trade or business shall be considered separately. The trade or business carried on by the individual must be the same in each of the five consecutive taxable years in which the deductions (other than those for interest and taxes) exceed the gross income derived from such trade or business by more than \$50,000.

For purposes of section 130, a given taxable year may be part of two or more different periods of five consecutive taxable years. Thus, if the deductions, other than taxes and interest, attributable to a trade or business carried on by an individual exceed the gross income from such business by more than \$50,000 for each of six consecutive taxable years, the fifth year of such six consecutive taxable years shall be considered to be a part both of a five-year period beginning with the first and ending with the fifth taxable year and of a five-year period beginning with the second and ending with the sixth taxable year.

(b) Redetermination of tax. The tax imposed by chapter 1 for each of the five consecutive taxable years specified in paragraph (a) of this section shall be redetermined upon the basis of the net income of the individual recomputed in the manner described in paragraph (a). If the assessment of a deficiency is prevented (except for the provisions of section 3801, relating to mitigation of effect of limitation and other provisions in income tax cases, or 3807, relating to period of limitation in case of related taxes under chapter 1 and chapter 2) by the operation of any provision of law (e. g., sections 275 and 276, relating to the period of limitation upon assessment and collection) except section 3761, relating to compromises, or by any rule of law (e. g., res judicata), then the excess of the tax for such year as recomputed over the tax previously determined for such year shall be considered a deficiency for purposes of section 130. The term "tax previously determined" shall have the same meaning as that assigned to such term by section 3801 (d). See § 29.3801 (d)-1.

(c) Assessment of tax. Any amount determined as a deficiency in the manner described in paragraph (b) of this section in respect of any taxable year of the five consecutive taxable years specified in (a) may be assessed and collected as if on the date of the expiration of the period of limitation for the assessment of a deficiency for the fifth taxable year of such five consecutive taxable years, one year remained before the expiration of the period of limitation upon assessment for the taxable year in respect of which the deficiency is determined. If the taxable year is one in respect of which an assessment could be made without regard to section 130, the amount of the actual deficiency as defined in section 271 (whether it is greater than, equal to, or less than the deficiency determined under section 130 (b)) shall be assessed and collected. However, if the assessment of a deficiency for such taxable year would be prevented by any provision of law (e.g., the period of limitation upon the assessment of tax) except section 3761, relating to compromises, or by the operation of any rule of law (e. g., res judicata), then the excess of the tax recomputed as described in paragraph (b) over the tax previously determined may be assessed and collected even though in fact there is no actual deficiency, as defined in section 271, in respect of the given taxable year.

(d) Years to which applicable. The provisions of section 130 are applicable to taxable years beginning after December 31, 1939, but no deficiency shall be assessed pursuant to such section for any taxable year beginning prior to January 1, 1944. Thus, if an individual makes his tax returns on the basis of a calendar year and if the deductions (other than those for interest and taxes) attributable to a trade or business carried on by such individual which are otherwise allowable under chapter 1 exceed the gross income derived from such trade or business by more than \$50,000 in each of the taxable years 1940, 1941, 1942, 1943, and 1944, the net income of such individual for the year 1944 is to be recomputed and a deficiency, as defined in paragraph (b) of this section, may be assessed in respect of the taxable year 1944. No such deficiency, however, may be assessed in respect of the years 1940, 1941, 1942, or 1943.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62) and sec. 129 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.))

HAROLD N. GRAVES, Commissioner of Internal Revenue. Approved August 22, 1944.

JOHN L. SULLIVAN, Acting Secretary of the Treasury.

[F. R. Doc. 44-12749; Filed, August 23, 1944;

11:41 a. m.1

[T. D. 5400]

PART 29-INCOME TAX; TAXABLE YEARS-BEGINNING AFTER DECEMBER 31, 1941

PART 35-EXCESS-PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXTENSION OF TIME FOR MAKING CERTAIN ELECTIONS

Regulations 111 and 112 amended. Extension of time for making certain

elections required to be exercised by the filing of a claim for credit or refund.

Regulations 111 (Part 29, Title 26, Code of Federal Regulations, Cum. Supp.I and Regulations 112 [Part 35, Title 26, Code of Federal Regulations, Cum. Supp.1 are amended as follows:

PARAGRAPH 1. Subpart H. added by Treasury Decision 5391, approved July 14, 1944, is amended by striking from the second paragraph the following:

(b) An election required to be exercised by the filing of a claim for credit or refund or in a petition to The Tax

and inserting in lieu thereof the following:

(b) An election required to be exercised by the filing of a claim for credit or refund unless such election is required to be exercised at a time fixed by these regulations, which time is before the date of the expiration of the period of limitations provided in section 322, or an election required to be filed in a petition to The Tax Court

Pan. 2. The text under the center heading "Miscellaneous Provisions," added by Treasury Decision 5391, is amended by transferring such text from immediately after § 35.783-1 to immediately after § 35.783-2 added by Treasury Decision 5362, approved April 25, 1944, and by striking from the second paragraph the following:

(b) An election required to be exercised by the filing of a claim for credit or refund or in a petition to The Tax Court:

and inserting in lieu thereof the following:

(b) An election required to be exercised by the filing of a claim for credit or refund unless such election is required to be exercised at a time fixed by these regulations, which time is before the date of the expiration of the period of limitations provided in section 322, or an election required to be filed in a petition to The Tax Court:

Pan. 3. The above amendments to Regulations 111 and 112, which regulations are applicable to taxable years beginning after December 31, 1941, are hereby made applicable to any taxable year beginning after December 31, 1933. and prior to January 1, 1942, which is covered by Regulations 103, or after December 31, 1939, and prior to January 1, 1942, which is covered by Regulations 109.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62) and sec. 729 of the Internal Revenue Code (54 Stat. 939; 26 U.S.C. 729))

JOSEPH D. NUMAN, Jr., Commissioner of Internal Recenue.

Approved August 22, 1944.

JOHN L. SULLIVAN.

Acting Secretary of the Treasury.

[F. R. Doc. 44-12759; Filed, August 23, 1944; 11:42 a. m.]

TITLE 29-LABOR

Chapter IX—War Food Administrator (Agricultural Labor)

[Specific Wage Ceiling Reg. 22]

PART 1111—SALARIES AND WAGES OF AGRI-CULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN PICKING HOPS IN PIERCE COUNTY, WASH.

§ 1111.5 Wages of workers engaged in picking hops in Pierce County, Washington. Pursuant to § 4001.7 of the regulations of the Director of the Office of Economic Stabilization relating to wages and salaries issued August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035) and to the regulations of the War Food Administrator issued January 20, 1944 (9 F.R. 831), as amended on July 8, 1944 (9 F.R. 7645) entitled "Specific Wage Ceiling Regulations" and based upon relevant facts submitted by the Washington WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) Areas, crops, and classes of workers. Persons engaged in picking hops in the County of Pierce, State of Washington, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Director of the Office of Economic Stabilization issued on August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035).

(b) Wage rates; maximum wage rates for picking hops.

Piece rate—4½¢ per pound, plus 1¢ per pound bonus if the worker continues picking hops throughout the season.

(c) Administration. The Washington WFA Wage Board located at 235 Liberty Bldg., Yakima, Washington, will have charge of the administration of this order in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 331), as amended July 8, 1944 (9 F.R. 7645).

(d) Applicability of specific wage ceiling regulations. This specific wage ceiling regulation No. 22 shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), as amended July 8, 1944 (9 F.R. 7645), and the provisions of such regulations shall be applicable to this specific wage ceiling regulation No. 22 and any violation of this specific wage ceiling regulation No. 22 shall constitute a violation of such specific wage ceiling regulations.

(56 Stat. 765, 50 U. S. C. App. Supp. 961 et seq.; 57 Stat. 63; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035; regulations of the War Food Administrator, 9 F.R. 655, 6011, 7378, 9 F.R. 831, 7645)

Issued this 23d day of August 1944.

WILSON R. BUIE,
Acting Director of Labor,
War Food Administration.

[F. R. Doc. 44-12727; Filed, August 23, 1944;

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B-Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1295—ANILINE

[Allocation Order M-184, Revocation]

Section 1295.1 Allocation Order M-184 is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Aniline is subject to allocation under General Allocation Order M-300 as an Appendix A material, subject to Schedule 42 issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of aniline prior to October 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-184.

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44–12746; Filed, August 23, 1944; 11:36 a. m.]

PART 3109—MEDICAL EQUIPMENT AND SUP-PLIES SIMPLIFICATION

[General Limitation Order L-214, Schedule 2, as Amended Aug. 23, 1944]

CORRECTIVE SPECTACLES

§ 3109.3 Schedule 2 to General Limitation Order L-214—(a) Definition. For the purposes of this schedule: "Corrective spectacles" means spectacles designed to correct or assist defective vision in which corrective focus lenses are employed.

(b) Restrictions on the use of nickel and nickel-bearing alloy. No person shall incorporate any nickel or nickel-bearing alloy in the manufacture of corrective spectacles (or any part thereof) except to the extent permitted below:

(1) Nickel silver (containing not more than 10% nickel in the alloy) may be used in any part of metal spectacleware (including oxford-type spectacleware) and xylonite spectacleware.

(2) Nickel silver (containing not more than 18% nickel in the alloy) may be used in screws and dowels for metal spectacleware and xylonite spectacleware.

(3) Pure nickel or any nickel-bearing

alloy may be used in:

(i) Pad-arm assemblies for metal spectacleware;

(ii) Arms (of the 'nu-mont' type of construction) on semi-rimless metal spectacleware; and

(iii) Plating of "white metal" spectacleware.

(c) Restriction on the eyesize of metal frames. No person shall manufacture any metal frame for corrective spectacles which has an eye with a circumference or periphery of more than 144.5 mm. There is no restriction on the shape of the eye, but the circumference or periphery of the eye must not be greater than 144.5 mm.

(d) Exception for Army and Navy orders. The restrictions of this schedule do not apply to the manufacture of corrective spectacles (or any part thereof) to fill orders or contracts from or for the account of the Army or Navy of the United States, if such spectacles (or parts) are manufactured in conformity with the specifications applicable to the particular, order or contract.

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-12744; Filed, August 23, 1944; 11:36 a. m.]

PART 3191—CIVILIAN AIRCRAFT [Preference Rating Order P-47, Direction 1]

The following direction is issued pursuant to Preferred Rating Order P-47:

Operators of commercial airlines within the continental limits of the United States who have received airplanes from the Army to replace those taken from them by the Army may use the rating and allotment symbol assigned in paragraph (c) of Preference Rating Order P-47 to get in any one quarter an amount of any item of airborne material or equipment listed under Section I or any item listed under Section II of Form WPB-1747 revised July 22, 1944, equivalent to one and one-third the amount of that item approved on Form WPB-1747 for the second quarter of 1944, without asking for approval under paragraph (d) of Preference Rating Order P-47. If, however, after having received the air-planes from the Army, the operator has asked for and received approval on Form WPB-1747 for an increase in the approved amount of materials, he may use the rating and allotment symbol only to get the amount of materials during the calendar quarter cov-ered by the Form WPB-1747 which have been specifically approved.

Issued this 23d day of August 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-12748; Filed, August 23, 1944; 11;37 a. m.]

[,] ¹Note: The former editions of this schedule restricted the use of all metals in corrective spectacles. This amendment has the effect of removing those restrictions with respect to all metals except nickel and nickelbearing alloy and also permits the use of nickel and nickel-bearing alloy in certain parts not permitted by the previous editions of the schedule.

PART 3290-TEXTILE, CLOTHING, AND LEATHER

[Limitation Order L-181 as Amended Aug. 23, 19441

MEN'S WORK CLOTHING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of men's work clothing for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.125 General Limitation Or-L-181—(a) Definitions. For the purpose of this order:

(1) "Men's work clothing" means any of the following garments, customarily graded as men's:

Waistband overalls or dungarees.

Bib overalls.

Overall jumpers or coats. One-piece work suits.

Work pants.

Work shirts, (whether separate or in en-

sembles, but excluding uniform shirts). (2) "Put into process" means the first

- cutting operation of material in the manufacture of any men's work clothing. (3) Pro rata widths-where a certain
- width material is specified—narrower or wider width matérial shall be figured in pro rata yardages allowed or restricted. (4) Measurements set forth refer to

finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

- (5) Yards specified "to the dozen" shall mean the average yardage, over any 90 day period after August 15, 1942, consumed in the cutting of each type of garment.
- (6) Yards specified "to the dozen" may be exceeded proportionately in the manufacture of sizes larger than specified herein to meet the needs of oversize persons.
- (7) All terms used in this order shall have their usual and customary trade meanings unless stated otherwise.

(b) General exceptions. The prohibitions and restrictions of this order shall not apply to:

(1) Sales and deliveries by, to or for the account of the ultimate consumers by any person who does not put cloth into process for the manufacture of work

(2) Men's work clothing put into process or manufactured prior to August

15, 1942.

(3) Drills, twills, or jeans used for pocketing or waistbanding in the inventory of the manufacturer on August

15, 1942.

(4) Men's work clothing to fill purchase orders placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development and the Defense Supplies Corporation.

(5) Men's work clothing made and sold to conform with state, county or municipal safety laws, codes or regulations: Provided, That such laws, codes or regulations were in existence on August 15, 1942, and specifically required the use of work clothing not made in conformity with the provisions of this order.

(6) Garments manufactured in the home except when made for sale or for a contractor or jobber or other person

who sells such garments.

(c) General curtailments. No person shall, after August 15, 1942, put into process, or cause to be put into process by others for his account, any material for the manufacture of, and no person shall, after the said date, sell or deliver any men's work clothing, the material for which was put into process after August 15, 1942, with:

(1) False or more than double stitching:

(2) [Revoked July 3, 1943] (3) [Deleted Aug. 23, 1944]

- (d) Additional curtailments. No person shall after August 8, 1942, put into process, or cause to be put into process by others for his account, any material for the manufacture of, and no person shall sell or deliver any of the following men's work clothing, the cloth for which was put into process after August 15, 1942.
- (1) Waistband overalls or dungarees with:
- (i) More than two front or swing pockets, two hip pockets, one rule pocket and one watch pocket.
- (ii) More than four fly buttons and one button or snap fastener on waistband.

(iii) Back buckle or strap.

(iv) More than nine bartacks or rivets exclusive of those needed on belt loops.

(v) Sizes other than 26 to 50 waist and 27 to 36 inseam.

- (vi) More than 33½ yards or less than 31 yards to the dozen of 28/29 inch material: Provided, however, That for the sole purpose of allowing such garments when made for miners (and each miner's garment shall be designated as such by label or other marking thereon) to include not more than two front leg patch reinforcements, one double seat and one additional leg pocket, the yardage per dozen for such garments shall be not more than 45 yards or less than 37 yards to the dozen of 28/29 inch material, the extra yardage to be used, however, only for such purpose.
 - (2) Bib overalls with:
- (i) More than one large or two small bib pockets, two front swing or patch pockets, two hip patch pockets, one rule pocket and one hammer loop.
- (ii) More than two buttons on each side opening, two bib suspender buttons, two back suspender buttons, one button or one snap fastener on blb, two buttons on fly through size 38 or three buttons on fly on size 40 and up.

(iii) More than fifteen bartacks.

- (iv) Sizes other than 26 to 50 waist and 27 to 36 inseam;
- (v) More than an average of 46 yards or less than 39 yards to the dozen of

28/29 inch material for both the bib overall and the overall jacket.

Provided, however, For the sole purpose of allowing:

(a) Bib overalls for carpenters to include not more than two double knee or leg patch reinforcements, two side leg pockets, an apron with necessary divisions, one hand axe loop, the yardage per dozen for such garments shall be not more than 6612 yards or less than 6012 yards to the dozen of 28/29 inch material, and such garments may have 15 additional bartacks.

(b) Bib overalls for painters or paperhangers to include one brush loop and one leg pocket, the yardage per dozen for such garments shall be not more than 47½ yards or less than 41½ yards to the dozen of 28/29 inch material.

(c) Bib overalls for steel workers to include not more than two knee patch reinforcements, two leg pockets, one additional hammer loop, the yardage per dozen for such garments shall be not more than 57 yards or less than 51 yards to the dozen of 23/29 inch material, and such garments may have six additional bartacks.

Each such garment shall be designated as such by label or other marking thereon and the additional yardages shall only be used for the respective purposes specifled above.

- (3) Overall jumpers or coats with:
- (i) [Deleted Aug. 23, 1944]
- (ii) More than four buttons on front and one button on each cuff.

(iii) Sizes other than 34 to 50.

- (iv) Blanket-lining heavier than 16 ounce, 54 to 56 inch width, of cotton or of cotton and reused wool.
 - (4) One-piece work suits with:
- (i) More than two front swing or patch pockets, two breast pockets, two-patch or swing hip pockets, one rule pocket and one hammer loop.
- (ii) More than four front buttons, one breast pocket button, three fly buttons and one button on each cuff.
- (iii) More than 17 bartacks, exclusive of those needed on belt loops.
 - (iv) Sizes other than 34 to 50.
- (v) More than 72 yards or less than 66 yards to the dozen of 28/29 inch material.

(5) Work pants with:

- (i) More than two front swing pockets. two hip patch or swing packets and one watch pocket.
 - (ii) Tunnel loops.
 - (iii) [Daleted Doc. 4, 1943]
- (iv) More than 11 bartacks exclusive of those needed on belt loops.
 - (v) Side buckle and straps.
 - (vi) Self belt or extension waistband.

(vii) Pleats.

- (viii) More than five fly buttons, including waistband, on sizes through 38 and more than six fly buttons, including waistband, on sizes 40 and up, and with more than one hip pocket button.
- (ix) Cuils where 30 inch 2.50 gray width and weight basis material and heavier is used.
 - (x) More than 11/2 inch hem.
- (xi) More than 11/2 inch cuff on material lighter than 30 inch 2.50 gray width and weight basis.

(xii) Sizes other than 26 to 50 waist and 27 to 36 inseam.

(xiii) (a) More than 271/2 yards or less than 241/2 yards to the dozen of 36 inch material weighing less than 8 ounces per yard of 36 inch width material, or

(b) More than 28 yards or less than 25 yards to the dozen of any heavier material.

(6) Work shirts with:

(i) Other than one or two plain patch pockets but only button through or open.

(ii) More than single thickness lining

in collar.

(iii) More than six buttons on front, one button each cuff and one button on each pocket.

(iv) Lined cuffs.

(v) More than four bartacks.

(vi) Eyelets or vents.

(vii) Reinforced elbow, shoulder, back or front.

(viii) [Revoked May 8, 1943] (ix) [Revoked May 8, 1943]

(x) Sizes other than 13 to 19 or sizes

small, medium and large.

(xi) More than 29½ yards or less than 26 yards to the dozen of 36-inch material on long sleeve models, or more than 24 yards or less than 23 yards to the dozen of 36-inch material on half-sleeve models. On regular or mill finish material or on 36-inch 2.85 material and heavier a total of a half yard to the dozen additional yardage may be used.

(e) [Deleted Dec. 4, 1943] (f) Appeals. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of men's work clothing conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference L-181, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) Records and inspections. (1) Each person affected by the order shall keep and preserve for a period of not less than two years accurate and complete records of his applicable inventories, certifications, production, sales and transactions. (2) All records required to be kept by the order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) Reports and communications. (1) Each person affected by the order shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time. (2) All reports required hereunder, and all communications concernmg the order, shall be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: L-181.

(i) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assist-

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-12739; Filed, August 28, 1944; 11:35 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [Limitation Order L-30-b, as Amended Aug. 23, 1944]

ENAMELED WARE

§ 3291.155 Limitation Order L-30-b-(a) What this order does. This order states the rules governing the manufacture of household, cooking and hospital articles made of vitreous-enameled iron and steel. The kinds and sizes of enameled ware which may be made are described, including hospital ware which was formerly covered by Schedule I to Order L-214. Quotas are placed on the use of iron and steel. Special provisions are made for military and export orders.

(b) Definitions. When used in this order:

(1) "Enameled ware" means any of the articles listed on Table A when made of vitreous-enameled iron or steel. It does not include any furniture, electrical or gas appliance or power-driven equip-

ment.
(2) "Preferred orders" means any purchase order or contract for enameled ware which will be ultimately delivered to the Army or Navy of the United States, the U.S. Maritime Commission or War Shipping Administration, or to other persons pursuant to authorization by the United States Maritime Commission on Form WPB 646 (formerly PD-300).

(3) "Export orders" means any purchase order or contract for enameled ware for delivery outside the United States, its territories and possessions. (4) "Civilian order" means any pur-

chase order or contract other than a preferred order or export order.

(c) What enameled ware may be made. (1) No manufacturer shall produce or assemble any enameled ware that does not conform to Table A. Exceptions to this rule are stated below.

(2) A manufacturer may complete the following operations on enameled ware which was otherwise completed by December 31, 1942; making and attaching handles, bails, spouts and ears; welding together fabricated parts; applying a vitreous-enameled or other coating.

(3) The War Production Board may authorize on Form WPB-1319 (formerly PD-556) enameled ware not conforming to Table A to fill export orders.

(4) The provisions of Table A do not apply to enameled ware which is produced to fill preferred orders or for experimental use in a scientific laboratory in connection with the development of enameled ware standards.

Quota Restrictions

(d) General. No manufacturer shall use more iron and steel in making enameled ware than the amounts stated below. Each manufacturer has a quota for civilian orders and a separate quota for preferred orders and export orders. In each calendar quarter a manufacturer is limited to a percentage of the iron and steel he used in his total production of enameled ware in the twelve months ending June 30, 1941, the "base period." The gross weight of iron and steel when first put into production, whether in the form of raw materials or as purchased parts, is considered the amount of iron and steel used and to be used in figuring out the quotas. A manufacturer who purchases black shapes and covers them with an enamel coating should include the weight of these black shapes in his "use" of iron and steel, while a manufacturer who fabricates the black shapes should consider the gross weight of the sheets he cuts up as part of

his "use" of iron and steel.

(e) Civilian quotas—(1) General rule.

In his production for civilian orders of all enameled ware (except roasters), a manufacturer is limited in each calendar quarter to one-fourth of 70% of the iron and steel which he used for all enameled ware (except roasters) in the base period. No manufacturer may produce during any calendar year more enameled roasters than 15% of the number he

produced in the base period.

(2) Optional quotas for manufacturers of hospital ware. Instead of following the general rule any manufacturer may use in any calendar quarter in producing hospital enameled ware (See Table A) not more than one-fourth of 100% of the iron and steel which he used for that ware in the base period. If he does this, however, his civilian quota for nonhospital ware (except roasters) is reduced to one-fourth of 60% of the iron and steel he used for that ware in the base period. Any manufacturer who chooses this alternative or who later decides to follow the general rule stated in the preceding paragraph shall notify the War Production Board by January 15, 1944 or before the first day of the quarter in which he intends to do this.

(3) Division of quota among different articles. In allocating his iron and steel among the items listed in column (2) of Table A, a manufacturer should use his best efforts to divide his quota of iron and steel among all the articles which he customarily makes in such a way as to meet the essential needs for those articles. If it is found that an undue shortage exists in certain articles or that production is being concentrated too much on other articles, the War Production Board may issue written instructions to any manufacturer directing him to allocate a specified share of his production to articles which are considered most essential. Failure to comply with a specific direction shall be deemed a violation of this order.

(f) Quotas for preferred orders and for export. In addition to his civilian quota, a manufacturer may use during any quarter in producing enameled ware to fill preferred orders and export orders not more than one-fourth of 55% of the iron and steel which he used in the base period for all enameled ware.

(g) Unused quotas. A manufacturer may use for civilian orders during any calendar quarter, in addition to his quota for that quarter, any unused balance of his previous quarter's civilian quota. A manufacturer may also use to fill preferred orders and export orders during any calendar quarter, in addition to his quota for that quarter, any unused balance of his previous quarter's quota for such orders.

(h) Special permission to exceed quotas. The War Production Board from time to time may permit manufacturers to exceed their quotas. This will only be done in special cases and for limited periods of time. For example, if one or more manufacturers are unable to use their full quota in any quarter, other manufacturers may be permitted to use the unused amount in addition to their own quotas. Similarly, if additional iron or steel becomes available at any time. the War Production Board may authorize its use in addition to the quotas. As far as practicable increases will be permitted for all manufacturers of the articles to be made in proportion to their quotas. Permission will be granted either in the form of individual letters or of published directions supplementary to this order.

Miscellaneous Provisions

- (i) Overruns, rejects and cancellations. Enameled ware made to fill a preferred order, which, because of overruns, rejects, cancellations of orders or any other reasons cannot be used to fill that order, may be used or disposed of only as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1.
- (j) Reports. (1) [Deleted Apr. 3, 1944]
- (2) Each manufacturer shall file with the War Production Board on or before January 20, April 20, July 20, and October 20 of each year, a report on Form WPB-1600 (formerly PD-655), showing his production, shipments, and inventory of enameled ware for the preceding quarter.
- (3) These reporting provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Acts of 1942.
- (k) Applicability of other orders and regulations. This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of enameled ware to a greater extent than does this order, the other order shall govern unless it states otherwise.
- (1) Violations. Any person who wilfully violates any provision of this order,

or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliverles of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) Exceptions and appeals—(1) Production under Priorities Regulation 25. Any person who wants to use more iron and steel in making enameled ware than the amounts fixed in paragraphs (d), (e) or (f) (including a person who has no quota under this order) may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for special permission to exceed quotas under paragraph (h).

(2) Appeals. Any appeal from the provisions of this order, other than the restrictions of paragraphs (d), (e) or (f) should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appealant to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (d), (e) or (f).

(n) Communications. All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L-30-b.

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

TABLE A

Note—Table A amended Aug. 23, 1944.

General. Under the provisions of percepts (e) of Order L-C3-b, no manufacturer chall produce or accemble any enameled were falling within any class in column (I) except criticis Letel in column (2) confirming to the restrictions of columns (3) and (4). When a monufacturer is permitted to make more than corrected any criticis, each sac he manufactures shall fall within a different one of the first ranges except that if only one size range is specified he may manufacture the permitted number of sizes anywhere within that range.

(1)	· (3) ·	ത	(4)
Class of articles	Permitted types in each elec-	Number of cizes for- mitted each manufacturer	Sizes
Cooking enameled were (utensils used primarily in the prepara- tion, cooking, serving or etempe of foods or beverages, whether for household, institutional, commercial, governmental or any other use).	Baino Merio Pets Connew, cell peck (eniy esper- mitted in Direction 1). Ceftee bailers 1 Ceftee bailers 1 Celanders Dippers Deable bailers 1 Kettles 1 Ledles Percolaters (wither without ben- kets), 1 Drip ceftee makers 1 Reacters (elugio wall) 1 Eauco pass Eauco pass 1 Steamtable larets 1 Steamtable pass 1	1	Manufacturer's choice. Manufacturer's choice. 1/2 to 2/2 qt. and 6/2 to 8 qt. acr. Manufacturer's choice. 6 to 9 cup cap.
Householdenameled were (Enameled palls, buckets, and tube, including infants' kathtubes; dish pans and rink strainers; baby bottle steriliers). Enameled combinets, commedes, chambers and chamber covers. Hospital enameled ware (Any wash basin, any step-on can insert, and any sritela designed primarily for begoind or rich room use, including but not limited to, epanga basins, pray basins, solution beats, dreeting jers, instrument trays, by pans, irrisators, instrument trays, by pans, irrisators, instrument trailiers (without heating elements or riands), urinals, eatheier trays, feeding cups and deuche pans, but excluding any article in another class in this column).	Steamtable pans 1 Steak pais 1 Baby Bettle Sterilizers 1 Dich Fans Infants Bethfube. Tex Kettles 1 Water Palis 1 Boby Chember Combinets 1 Beein, pars Beein, pars Beein, pars Beein, pars Beein, contian Beein, wesh Beein, wesh Beeing and 1 Funnels Graductes Immersion Arm Beth 1 Ic line Cup. Intigater Jer, ferceps with bees Stepen can incerts, as may be remitted under schelule 3 of Steriliner, inchrument (without heating element or stand). Troy, incriment 1 Urinals, Mole. Urinals, Femole	3	Manufacturer's choice. Manufa

^{*}Metal covers may be made for these articles.
*Baby bettle storilisess to contain a removable bettle rack.

PART 3291—CONSUMERS DURABLE GOODS [Limitation Order L-65, Direction 1]

ELECTRIC HAIR CLIPPERS

The following direction is issued pursuant to Limitation Order L-65:

Notwithstanding any restrictions contained in Order L-65 the five manufacturers listed below are authorized during the period commencing August 23, 1944, and ending December 31, 1944, to manufacture the number of electric hair clippers set forth below opposite their names. Manufacturers listed can only make the electric hair clippers in their own plant at the location set forth opposite their respective names. The electric hair clippers manufactured under this direction may only be sold to fill orders from the Army (including orders from the Post Exchanges) and the Navy (including orders from the Navy or Coast Guard Ships' Service Departments or Marine Corps Post Exchanges). The authorization contained in this direction supersedes any other authorization which any of the firms listed may have received from the War Production Board on the subject of electric hair clippers.

The firms listed represent all manufacturers with facilities to make electric hair clippers known to the War Production Board. Any manufacturer not listed who wants to make electric hair clippers for sale to the Army or Navy, should apply to the War Production Board, Washington 25, D. C., Ref:

I-65, for permission.

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-12743; Filed, August 23, 1944; 11:36 a. m.]

PART 3293-CHEMICALS

[General Allocation Order M-300, Schedule 40 as Amended Aug. 23, 1944]

FERRO- AND FERRI-CYANIDES

§ 3293.1040 Schedule 40 to General Allocation Order M-300—(a) Definition. "Ferro- and ferri-cyanides" means any one of the following, in solid or solution form:

(1) Sodium ferro-cyanide (yellow prussiate of soda)

(2) Potassium ferro-cyanide (yellow prussiate of potash)

(3) Potassium ferri-cyanide (red prussiate of potash)

(4) Potassium-sodium ferri-cyanide (for example, "Redsol Crystals").

(b) General restrictions. Ferro- and ferri-cyanides are subject to the provisions of General Allocation Order M-300 as Appendix A materials. The initial allocation date is September 1, 1944. The allocation period is the calendar month. The small order exemption per person per month is as follows:

[Items (2) and (4) amended Aug. 23, 1944]

(1) Sodium ferro-cyanide________720
(2) Potassium ferro-cyanide________370
(3) Potassium ferri-cyanide _______100
(4) Potassium-sodium ferri-cyanide_____400

(c) Suppliers' applications on WPB-2946. Each supplier seeking authorization to deliver shall file application on Form WPB-2946. Filing date is the 15th day of the month before the proposed delivery month. File separate sets of forms for each ferro- and ferricyanide. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-40. Unit of measure is pounds. In Table I fill in Columns 1 through 4 and leave Column 5 blank. Report sizes of container in Column 5 (a) such as 360-pound barrels, 100pound kegs, etc. An aggregate quantity may be requested as a separate item, without specifying customers' names, for delivery on exempt small orders. In Column 7 report total actual shipments on small orders during the latest month for which figures are available, indicating the month covered. In Table II fill in Columns 9 through 15 as indicated, leaving Columns 8 and 16 blank.

(d) Customers' applications on WPB-2945. Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945. File separate sets of forms for each ferri- and ferro-cyanide and for each supplier. Filing date is the 10th of the month before the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-40, and one copy (reverse side blank) to the supplier. The unit of measure is pounds. In Column 2 specify requirements for the next month only. Fill in Column 3

in terms of the following:

Iron blue.
Blue print paper.
Developer.
Other primary product (specify).
Inventory (in original form).
Export (in original form).
Resale (in original form).

In Column 4 specify end use in accordance with paragraph (11-a) of Appendix E of Order M-300.

In table II fill in Columns 13 through 16. If more than one primary product is produced show actual quantity of ferro- or ferri-cyanide in the latest available month for each in Column 14, indicating in Column 11 the name of the primary product reported in Column 14. Fill in Table III as indicated and leave Tables IV and V blank.

(e) Budget Bureau approval. The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) Communications to War Production Board. Communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-40

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-12742; Filed, August 23, 1944; 11:36 a. m.]

Part 3293—CHEMICALS [General Allocation Order M-300, Schedule 42]

ANILINE

§ 3293.1042 Schedule 42 to General Allocation Order M-300—(a) Definition. "Aniline" means the chemical known as aniline, aniline oil or aminobenzene, of any grade and from whatever source derived. The term does not include aniline salts or other derivatives of aniline.

(b) General provisions. Aniline is subject to allocation under General Allocation Order M-300 as an Appendix A material. The initial allocation date is September 1, 1942, when aniline was first put under allocation by Order M-184 (revoked). The allocation period is the calendar month and the small order exemption is 450 lbs. per person per month.

(c) Special interim provisions. Use, delivery and acceptance of delivery prior to October 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-184

(revoked).

(d) Suppliers' applications on WPB-2946. Each supplier seeking authorization to deliver shall file application on Form 'WPB-2946 (formerly PD-601). Filing date is the 20th day of the month before the requested allocation month. File separate sets of forms for each plant or distribution point. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-42. The unit of measure is pounds. An aggregate quantity may be requested, without specifying customers' names, for delivery on exempt small orders. Fill in Table II.

(e) Customers' application on WPB-2945. Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month before the requested allocation month. File separate sets of forms for each supplier and for each consuming plant. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-42, and one copy (reverse side blank) to the supplier. The unit of measure is pounds. Fill in Column 3 in

terms of the following:

Diphenylamine.
Dimethylaniline.
Monoethylaniline.
Hydroquinone.
Acetanilid.
Phenylhydrazine.
Chemical warfare.
Aniline salt.
Other product
(specify).

Dyes and dye intermediates.
Inks and pigments.
Resins and plastics.
Petroleum additives (identify).
Mining flotation agents.
Export (as anilino).
Inventory (as anilino).
Resale (as anilino).

Specify end use in Column 4 as required by paragraph (11) of Appendix E of Order M-300. Fill in other columns of Table I, and fill in Tables II and III as indicated. Leave Table IV blank. In Column 23 of Table V, enter the end uses for which aniline was allocated for the past month (that is, the month before the month in which the application is filed), and in Columns 24 and 25, list, respectively, the quantities allocated and the quantities actually consumed for each end use during the past month.

(f) Budget Bureau approval. The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act

of 1942.

(g) Communications to War Production Board. Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-42.

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-12747; Filed, August 23, 1944; 11:37 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-238, as Amended Aug. 23, 1944]

SUN GLASSES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of materials entering into the production of sun glasses and sun glasses cases; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.76 General Limitation Order L-238—(a) Definitions. For the purposes of this order:

(1) "Sun glasses" means spectacles or goggles designed primarily to protect the wearer's eyes from sun-glare and other harmful or discomforting rays of the sun.

(2) "Sun glasses case" means a case or container designed for carrying sun glasses when not being worn.

(3) "Aviation sun glasses" means sun glasses designed for use in aircraft by pilots, observers and other aircraft personnel.

(4) [Revoked May 9, 1944]

(b) Restrictions on the use of metals. Except as provided in paragraph (c) of this order, no person shall incorporate any metal in the manufacture of sun glasses or any part thereof or sun glass cases or any part thereof.

(c) Exceptions to paragraph (b). (1) The provisions of paragraph (b) of this order shall not apply to the manufacture of sun glasses or sun glasses cases which are manufactured:

(i) [Revoked May 9, 1944]

(ii) From metal to the extent permitted by Appendix A, attached to this order.

(iii) From copper base alloys obtained from idle or excess inventories pursuant to Priorities Regulation 13. (Any person who purchases component parts containing copper base alloy may use those parts in the manufacture of sun glasses or sun glasses cases, unless he knows or has reason to believe that the parts were not made from copper base alloy obtained from idle or excess inventories pursuant to Priorities Regulation 13.)

(2) The provisions of paragraph (b) of this order shall not apply to the manufacture of aviation sun glasses which are manufactured pursuant to a contract or purchase order for delivery to or for the account of (i) the Army or Navy of the United States, or (ii) any agency of the United States Government for delivery to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided that the specifications of such contract or purchase order specify aviation sun glasses which cannot be manufactured within the limitations of paragraph (b) and (c) (1) of this order. Notwithstanding the provisions of Priorities Regulation 17, the foregoing provisions of this paragraph (c) (2) shall not apply to any contract or purchase order for delivery to or for the account of any United States Army or Marine Corps Post Exchange or any United States Navy Ship's Service Department. Aviation sun glasses which are manufactured in accordance with the foregoing provisions of this paragraph (c) (2) shall be sold or delivered only to the Army or Navy of the United States (not including United States Army or Marine Corps Post Exchanges or United States Navy Ship's Service Departments), or the appropriate agency of the United States Government for Lend-Lease purposes.

(d) Quota restrictions. (1) No person shall manufacture more sun glasses, in any calendar quarter, than ninety percent of the number of sun glasses that he manufactured during the correspond-

ing calendar quarter of 1942.

(2) Purchase orders or contracts for sun glasses placed by the Army or Navy of the United States, or of any Agency of the United States Government for Lend-Lease purposes, shall not be charged against the quota permitted by paragraph (d) (1). Notwithstanding the provisions of Priorities Regulation No. 17, purchase orders or contracts for delivery of sun glasses to or for the account of any United States Army or Marine Corps Post Exchange or any United States Navy or Coast Guard Ship's Service Department shall be charged against the quota permitted by paragraph (d) (1), to the extent of seventy-five per cent of the number of sun glasses included in such orders and contracts.

(e) Applicability of regulations. Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) Violations and false statements. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the

appeal.

(h) Communications. All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, he addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: L-238.

Issued this 23d day of August 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

APPERIDIX A

Pursuant to the provisions of paragraph (b) and paragraphs (c) (1) (ii) of this order, a person may incorporate the following materials in the manufacture of sun glasses to the extent indicated:

(1) Steel for:

(i) Core wire in plantic temples.

(ii) Spring clips in slip-over type sun glesses;

(iii) Hinger, hinge pins, and rivets; and

(lv) Snaps for sun glasses cases.

(2) Brack for barrel-hinges, hinge pins, rivets, and screws to fill orders bearing preference ratings of AA-5 or higher.

(3) Copper (strike), zinc, silver, gold and pulladium for electroplating.

(4) [Deleted May 9, 1944]

INTERPRETATION 1

ASSEMBLY OF SUN GLASSES

The use of certain material in the manufacture of sun glasses or parts and the number of sun glasses which may be manufactured are prohibited or restricted by the terms of General Limitation Order L-238, with certain exceptions stated in the order.

Such provisions also apply to the assembly of sun glasses. Thus, any person who assembles or combines parts of sun glasses, such as frames and lenses, is manufacturing sun glasses and is governed by the terms of General Limitation Order L-233. [Issued May 11, 1944.]

[F. R. Dec. 44-12745; Filed, August 23, 1944; 11:36 g. m.]

PART 3296 1-SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-295, as Amended Aug. 23, 1944]

DENTAL BURS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of dental burs for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.96 1 General Limitation Order L-295—(a) Definitions. For the purposes of this order:

- (1) "Dental bur" means a metal bur designed to be used in an engine handpiece by dentists for the purpose of excavating or cutting human teeth.
- (2) "Manufacturer" means any person engaged in the manufacture of dental burs.
- (b) Restrictions on shipment. On or before September 10, 1944, and on or before the 10th day of each succeeding calendar month, each manufacturer of dental burs shall file with the War Production Board in triplicate on Form WPB-3000 an operations report and proposed shipping schedule in accordance with the instructions accompanying the form. The War Production Board will approve the proposed shipping schedule or authorize and direct such changes therein as it shall deem necessary. Notwithstanding any preference rating which any purchase order or contract may bear or any rule or regulation of the War Production Board, each manufacturer shall produce and ship dental burs in accordance with his shipping schedule as approved or changed by the War Production Board. This reporting requirement and the instructions referred to have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.
- (c) Applicability of regulations. Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.
- (d) Violations and false statements. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the

(f) Communications. All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: L-295.

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-12740; Filed, August 23, 1944; 11:35 a. m.]

PART 3191—CIVILIAN AIRCRAFT [Limitation Order L-48, as Amended Aug. 23, 19441

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials entering into the production of aircraft for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3191.6 General Limitation Order Purposes and definitions. *L*-48-(a) This order forbids the manufacture of any aircraft and aircraft products, unless authorized in the manner provided in this order. It also forbids the transfer of the following products which have been made under authorization of the War Production Board: (1) New training devices or those which have been in operational use for less than six months and (2) new aircraft or other aircraft products or those which have had less than 100 hours flying time. For the purpose of this order, aircraft and aircraft products are airplanes, airframes, airplane propulsion engines, airplane propellers, gliders, and aircraft training devices designed to simulate actual flying conditions.

(b) Manufacture of military aircraft, and aircraft products. Manufacture of aircraft and aircraft products to fill a schedule approved by the Joint Aircraft Committee and Aircraft Production Board is not restricted by this order.

(c) Manufacture of prototype aircraft and aircraft products. Prototype aircraft and aircraft products may be manufactured. Preference ratings and an allotment symbol are assigned by Preference Rating Order P-43. Whether or not the allotment symbol or rating is used to get materials, prototypes for civilian use must be manufactured without diverting any manpower, technical skill or facilities from activities connected with the war effort.

(d) Manufacture of other aircraft and aircraft products. (1) The War Production Board will authorize the manufacture of other aircraft and aircraft products only if the demand for them is directly related to military needs or to the operation of a service to fill an essential need. No person may manufacture these aircraft or aircraft products except as authorized or permitted in this

(2) Applications to the War Production Board for approval of manufacture must be made by letter in triplicate, must be accompanied by an application on Form CMP-4B to cover the required materials, and must show the following:

The proposed production by month:

(ii) A statement explaining in detail the use to be made of the aircraft or aircraft product and its relation to the military or other essential need:

(iii) If the application is for complete airplanes, it must also show the delivery schedule of the required engines and propellers describing the product and showing the manufacturer. If a schedule for complete airplanes is approved, the War Production Board will authorize the manufacture and transfer of the engines and propellers, and the manufacturers of the engines and propellers need only file with the War Production Board their applications for materials on Form CMP-4B.

(e) Restrictions on the transfer of aircraft or aircraft products. (1) No person may transfer any of the following aircraft or aircraft products manufactured under paragraph (d) above without specific authorization of the War Production Board: (i) New training devices or those which have been in operational use for less than six months, and (ii) New aircraft, airplanes, airframes, airplane propulsion engines, metal airplane propellers and gliders or those which have had less than 100 hours flying time and are still airworthy.

(2) Applications for authorization to transfer aircraft and aircraft products must be made by the purchaser to the War Production Board on Form WPB-1319 unless authorization is granted under subdivision (d) (2) (iii) above. Only those applications showing important military or other essential needs will be considered.

(f) Communications. All applications for permission and other communications concerning this order should be addressed to: War Production Board,

Washington 25, D. C. Ref: L-48, (g) Violations. Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assist-

Issued this 23d day of August 1944.

WAR PRODUCTION BOARD. By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-12784; Filed, August 23, 1944; 12:16 p. m.]

¹ Formerly Part 3254, § 3254.1.

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS [MPR 53,1 Amdt. 32]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The effective date provision of Amendment 28 to Maximum, Price Regulation No. 53 is amended to read as follows:

This amendment shall become effective September 22, 1944.

This amendment shall become effective as of August 22, 1944.

Issued this 22d day of August 1944.

JAMES F. BROWNLEE, Acting Administrator.

[F. R. Doc. 44-12712; Filed, August 22, 1944; 4:20 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,2 Amdt. 146]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respect:

Section 1394.8117 (c) is amended by changing the period to a comma and adding the following: "and the plants specified in Executive Order No. 9466."

This amendment shall become effective August 22, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPR Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 22d day of August 1944.

James F. Brownlee, Acting Administrator.

[F. R. Doc. 44-12713; Filed, August 22, 1944; 4:20 p. m.]

Part 1499—Commodities and Services [SR 15⁴ to GMPR, Amdt. 32]

OLEOMARGARINE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The effective date provision of Amendment 28 to Supplementary Regulation No. 15 to the General Maximum Price Regulation is amended to read as follows:

This amendment shall become effective September 22, 1944.

This amendment shall become effective as of August 22, 1944.

Issued this 22d day of August, 1944.

JAMES F. BROWNLEE, Acting Administrator.

[F. R. Doc. 44-12714; Filed, August 22, 1944; 4:20 p, m.]

PART 1412—TERRITORIES AND POSSESSIONS [MPR 373,1 Amdt. 78]

BREAD AND LIQUORS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 25a (c) is amended to read as follows:

(c) Maximum prices for sales by cabaret dispensers.

	Maximum price per drink	Cabaret tax	Maximum price per drink in- cluding tax
(i) Mainland liquer: (i) Scotch Whiskey, King's Rancom, Johnnio Wolker Block Lotel, Haig and Haig Pinch Bottle, Ballantynes, Cutty Sark, Feter Dawson 20 Years Old, John Crabbie, Findhers', or any other Scotch Whickey 12 years old or mere, straight or mixed. All other brands of Scotch Whickey, straight or mixed. (ii) Bourbon, Rye, and Canadian Whiskies, Bourbon or Rya Whickey, 169 Preof, which has been hattled in bond.	Cents E0 45	Cents 10 9	C erzis 60 53
Canadian Club Whiskey, Sengrams VO Canadian Whiskey, Straight or Mixed All other Bourbon, Rye, Canadian or Blended Whickley, Straight or Mixed	43	9	55
(iii) Rum: Imported, straight or mixed. Domestic (including Puerto Rican), ctraight. Domestic (including Puerto Rican), mixed.	- 73	878	50 50 40 50
(iv) Brandy: Imported, straight or mixed Domestic, straight or mixed (v) Mainland or imported gins	40.	9 7	55 40
Straight Mixed (2) Island liftuer:	83 23	7	40 40
(i) Island compounded gin, imitation whickey, rum, cholcheo, arreck, vodka, or any other kind of Island-preduced liquer: Straight Mixed (3) Beer and Ale.—(i) Mainland teer and ale:	នន	6 6	25 25
Per 11 or 12 oz. Fottle, stelale, or can, all brands. Per 22 oz. bottle, all brands. Per 32 oz. bottle, all brands. (ii) Island berr.	42 73	5 8 12	00 70 70
Primo or Royal, per 11 or 12 oz. bottlo		" 4	25
Domestic wine, pertion or cerving, not less than three cunces. Imported wine, pertion or cerving, not less than three cunces. Special wines, domesticer imported, partion or cerving, not less than three	23 33	5 7	20 40
(ii) By the Lottle:	£0	10	. 60
When domestic, imparted, or special wines are served by the battle, the maximum price shall be the maximum retail price, as determined under section 25 of this regulation, plus 2075 caberet tax, plus the following charges for chilling and cerving: For still wines. For sparkling wines.	23 (0	***********	,
			1

- 2. Section 55 (d) is added to read as follows:
- (d) Retailers maximum prices for sales to eating places.
- (1) Maximum prices for sales to hotels, restaurants, institutions, and other eating places are the maximum prices for sales at wholesale fixed under paragraph (a) of this section. Nevertheless, if you are a retailer you may during any month use the maximum prices for sales at retail fixed under that paragraph in selling to eating places, if 80% or more of your total dollar sales of frozen shrimp and prawn items covered by this section during the previous calendar month were retail sales to consumers; that is, persons who buy these items to be eaten by themselves or their families off your premises.
- 3. Section 65 (b) (20) is added to read as follows:

- (20) A "consumer" is one who buys feed for the purpose of actually feeding it to animals and poultry.
- 4. Section 65 (d) (2) (i) is amended by deleting the figure "11/4%" and inserting the figure "17%".
- 5. Section 65 (d) (2) (ii) is amended by deleting the figure "1¼" and inserting the figure "1%".
- 6. Section 65 (e) (2) (iii) (b) is amended to read as follows:
- (b) For sales in containers of 50 pounds or less.

•	Llaximum
	markup
Size of container:	per bag
Up to and including 5 pounds.	\$0.03
Over 5 pounds and up to and inc	dud-
ing 10 pounds	10
Over 10 pounds and up to and	
cluding 25 pounds	
Over 25 pounds and up to and	l in-
cluding 50 pounds	25

^{*}Copies may be obtained from the Office of Price Administration.

¹9 F.R. 9652.

²8 F.R. 15937.

^{*9} F.R. 1385.

⁴⁷ FR. 8959, 9819, 10584, 11006, 8 FR. 1201, 6443, 8614, 9028, 11873, 13255, 13395, 13724, 15197, 16298, 16797, 17728, 9 FR. 755, 908, 1581, 1948.

¹⁸ F.R. 5388.

7. Section 65 (f) (1) (ii) is amended to read as follows:

- (ii) For sales as a retailer of the percentage of tonnage volume of sales as retailer listed in his base period report, his maximum price shall be the applicable maximum price set forth in paragraph (d) hereof, plus the maximum markup set forth in paragraph (e) (2) above.
- 8. Section 65 (f) (2) is amended by adding a new séntence to read as follows: "He shall also report to the Office of Price Administration, Iolani Palace, Honolulu 2, Territory of Hawaii, before the 15th day of each calendar month the total amount of tonnage sales he has made as a wholesaler and the total amount of tonnage sales he has made as a retailer during the immediately preceding month."
- 9. Section 65 (1) (1) is amended by inserting the words "and wholesaler" after the words "every manufacturer" and before the words "shall keep."

 10. Section 65 (1) (2) is amended to
- read as follows:
- (2) Every retailer shall keep for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase subject hereto showing the date thereof, the names and addresses of the buyer and seller, the price contracted for, or paid, and the quantity of the feeds for animals and poultry purchased. He shall also keep for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, like records of his sales as he kept during the year 1942.
- 11. A new section 70 is added to read as follows:

Sec. 70. Maximum prices for white pan bread. (a) The maximum prices for sales of white pan bread on the Islands of Hawaii, Kauai, Lanai, Maui, and Molokai in the Territory of Hawaii shall be the following maximum prices:

Item	Net weight per loaf	Sales at whole- sale	
White pan bread, sliced or unsliced, wrapped or unwrapped.	1534 to 1614 oz.	Cents 9½	Cents 11

(b) "White pan bread" means any white bread baked in a pan, form or screen.

This amendment shall become effective as follows:

- (a) As to section 25a, as of July 1, 1944,
- (b) As to section 55, as of July 7, 1944,
- (c) As to section 65, as of July 1,
- 1944, (d) As to section 70, as of July 24, 1944.

Note: The reporting and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of August 1944.

CHESTER BOWLES, Administrator.

[F. R. Doc. 44-12757; Filed, August 23, 1944; 12:03 p. m.]

TITLE 46—SHIPPING

Chapter I-Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4426, 4481, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 164-167 (46 U.S.C. 375, 404, 474, 481, 489, 367, 526-526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations and approval of equipment are prescribed:

Subchapter D-Tank Vessels

PART 35—OPERATION

GENERAL SAFETY RULES

Section 35.4-3 is amended to read as

§ 35.4–3 Cargo tank hatches, ullage holes, and Butterworth plates—TB/ALL. No cargo tank hatches, ullage holes, or Butterworth plates shall be opened or shall remain open without flame screens, except under the supervision of the senior member of the crew on duty, unless the tank opened is gas free.

Subchapter G-Ocean and Coastwise: General Rules and Regulations

PART 59-BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.11 (w) is amended by the addition of the following sentence:

§ 59.11 Lifeboat equipment. * . * (w) Provisions. * * *

The foregoing requirements relating to the carrying of condensed milk shall be dispensed with in the case of any vessel complying with the requirements of §§ 153.6 (m) (4) and 153.6 (p) of this chapter.

PART 60-BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.9 is amended to read as fol-

§ 60.9 Lifeboat equipment. (See § 59.11 of this chapter, which is identical with this section.)

Subchapter O-Regulations Applicable to Certain Vessels and Shipping During Emergency.

PART 153-BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.6 (m) (4) is amended to read as follows:

§ 153.6 Additional equipment for lifeboats on self-propelled ocean and coastwise vessels. * * *

(m) Provisions. * * *

(4) Fourteen ounces of milk tablets in waterproof packages or containers. Compliance with this requirement and with the requirements of paragraph (p) of this section shall dispense with compliance with the requirements of §§ 59.11 (w) and 60.9 (w) of this chapter relating to the carrying of condensed milk.

APPROVAL OF EQUIPMENT

DISENGAGING APPARATUS FOR LIFEBOATS

Rottmer type releasing gear (General Arrangement Dwg. No. 1356, dated 13 February, 1944, Rev. 31 July, 1944) (Maximum working load of 9,150 pounds per hook, 18,300 pounds per set), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes approval 5 July 1944, 9 F.R. 7527)

28'-0" x 9'-3" x 3'-10" metallic oar-propelled lifeboat (600 cu. ft., 59-person peace-time capacity, 40-person wartime capacity; 648 cu. ft. by Stirling rule, 59-person peace-time capacity, 43-person wartime capacity; 595 cu. ft. by 6 rule, 59-person peacetime ca-pacity, 39-person wartime capacity) (General Arrangement and Construction Dwg. No. 2818, dated 24 July, 1944), submitted by Lane Lifeboat and Davit Corporation, Foot of 40th Road, Flushing, N. Y.

LIFE PRESERVERS

Model No. 1, adult kapok life preserver (O. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944). Approval No. B-232, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

(For general use.)
Model No. 2, adult kapok life preserver
(C. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944). Approval No. B-233, manufactured by Atlantic-Pacific Mig. Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

(For general use.)

Model No. 3, adult kapok life preserver (O, G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944). Approval No. B-324 manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn, N. Y. (For use with rubber Mfgathers exists). N. Y. (For use with rubber lifesting suits.)

LIFE RAFTS

20-person improved type life raft (Los Angeles Boiler Works Dwgs. No. B-1145, dated 3 December, 1943, revised, and No. B-1146, dated 1 December, 1943 rovised), submitted by the Bell Lumber Company, 3961 Gage Avenue, Bell, California.

20-person improved type life raft (Dwgs. Sheet Nos. 1, 2, 3 and 4, dated 14 July, 1944), submitted by Craftsman Equipment Corp., 41-43 Utica Avenue, Brooklyn, N. T.

20-person improved type, aluminum-plywood life raft (Arrangement and Details Dwg. No. R-205-X, dated 26 February, 1944, Rev. 26 July, 1944), submitted by Gunderson Bros. Engineering Corp., 4700 Northwest Front Avenue, Portland, Oregon. (Supersedes approval 31 May, 1944, 9 F.R. 6997)

20-person improved type Wilwel reversible life raft, balsa wood filler (Dwg. No. N. V. 32, dated 24 June, 1944), submitted by the Williams and Wells Company, 252 Fulton Street, New York, N. Y.

> L. T. CHALKER, Rear Admiral, USCG, Assistant Commandant.

AUGUST 22, 1944.

[F. R. Doc. 44-12715; Filed, August 23, 1944; 9:48 a. m.]

Chapter III-War Shipping Administration

[G. O. 24, Supp. 6]

PART 310-MERCHANT MARINE TRAINING

EMERGENCY REGULATIONS GOVERNING AP-POINTMENT AND TRAINING OF CADETS IN UNITED STATES MERCHANT MARINE CADET CORPS

Effective as of July 1, 1944, paragraph (b) of § 310.57 Pay (8 F.R. 6967, 7203) is amended to read:

(b) Cadet-Midshipmen aboard ship, who sign articles or commence voyages on or after July 1, 1944, will receive pay, while attached to such vessel, at the rate of \$82.50 per month from their steamship company employers (representing the minimum basic monthly wage of \$65.00, and including the additional emergency compensation of \$17.50), together with such war risk bonuses and insurance benefits as may be prescribed from time to time by decisions and rulings of the Maritime War Emergency Board. In addition the steamship company employers shall pay the Cadet-Midshipmen aboard ship such:

Explosive cargo bonus; Penalty cargo bonus;

Subsistence and room allowances in port; Transportation allowances; and

Such other bonuses as are paid to the li-censed officers of the vessel to which the Cadet-Midshipman is attached.

Cadet-Midshipmen, in order to carry on with the training courses aboard ship, shall not be given overtime work or granted overtime pay. Of their eighthour work day, two hours shall be allowed by steamship company employers to all Cadet-Midshipmen for study pur-

(E.O. 9054, 9198; 7 F.R. 837, 5383)

[SEAL]

E. S. LAND, Administrator.

[F. R. Doc. 44-12724; Filed, August 23, 1944; 10:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR. Bureau of Reclamation.

SALT RIVER PROJECT, ARIZ.

PARTIAL REVOCATION OF FIRST AND SECOND FORM WITHDRAWALS

JUNE 8, 1944.

The Secretary of the Interior.

SIR: From recent investigations in connection with the Salt River project, the withdrawal of the hereinafter described land, withdrawn in the first and second forms prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by Departmental Orders of July 2 and August 26, 1902, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the land hereinafter listed be revoked: Provided, That such revocation shall not affect the withdrawal of any other land by said orders or affect any other orders with-

drawing or reserving the land hereinafter listed.

SALT RIVER PROJECT

GILA AND SALT PIVER ZHEHBIAN, ARIZONA

T. 2 N., R. 3 E., Sec. 4, EKNEKSWK.

Respectfully,

[SEAL]

H. W. BASHONE, Commissioner.

I concur: August 3, 1944. FRED W. JOHNSON, Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the district land office to be noted accordingly.

> MICHAEL W. STRAUS, Assistant Sceretary.

AUGUST 5, 1944.

[F. R. Doc. 44-12753; Filed, August 23, 1944; 11:47 a. m.]

OWYHEE PROJECT, OREG.

PARTIAL REVOCATION OF FIRST FORM WITHDRAWAL

JUNE 13, 1944.

The Secretary of the Interior.

SIR: From recent investigations in connection with the Owyhee project, the withdrawal of the hereinafter described land, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by Departmental Order of March 23, 1925, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the land hereinafter listed be revoked: Provided, That such revocation shall not affect the withdrawal of any other land by said order or affect any other order withdrawing or reserving the land hereinafter listed.

OWYHEE PROJECT

WILLAMETTE MERIDIAN, CRESCH

T. 21 S., R. 46 E., Sec. 6. Lot 7.

Respectfully,

[SEAL]

H. W. BASHORE, Commissioner.

I concur: August 10, 1944. FRED W. JOHNSON, Commissioner of the

General Land Office. The foregoing recommendation regarding the Owyhee project is hereby ap-

proved, and it is so ordered. The jurisdiction over and use of such lands by the Bureau of Reclamation shall cease upon the date of the signing of this order.

On April 4, 1944, the Board of Directors of the Owyhee Irrigation District passed a resolution to the effect that the release from reclamation withdrawal of the above tract shall not constitute a basis for a reduction in the sum that District has obligated itself to pay the United States and that such action shall not release the tract from the obligations of the Owyhee Irrigation District.

Mr. Willie B. McGinnis, of Adrian, Oregon, has filed a petition (1990784) in the General Land Office requesting that the land be released from reclamation withdrawal in order that he may file a

desert land application.

This order, however, shall not otherwise become effective to change the status of the lands until 10:00 o'clock a. m. of the sixty-third day from the date on which it is signed, whereupon the lands shall, subject to valid existing rights, become subject to such application, position, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CRF 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254) and 43 CRF part 296, to the extent that these regulations are applicable.

The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the district land office to be noted accord-

ingly.

MICHAEL W. STEAUS. Assistant Secretary.

AUGUST 14, 1944.

[P. R. Doc. 44-12774; Filed, August 23, 1944; 11:47 a. m.]

RIO GEMIDE PROJECT, N. MEX.

PARTIAL REVOCATION OF FIRST FORM WITHDRAWAL

The Secretary of the Interior.

JUNE 14, 1944.

Sm: From recent investigations in connection with the Rio Grande project, the withdrawal of the hereinafter de-scribed lands, withdrawn in the first form prescribed by Section 3 of the Act of June 17, 1902 (32 Stat. 383), by Dapartmental Orders of September 29 and October 31, 1903, March 26 and July 17, 1308, June 3, 1926, August 6, 1932, August 27 and September 22, 1936, and July 14, 1938, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked: Provided, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter listed.

RIO GRANDE PROJECT

NEW MEXICO PRINCIPAL MEDIDIAN, NEW LIENICO

T. 8 S., R. 2 W., Sec. 20, W½NE'4, W½, W½SE'4; Sec. 30, NW¼ND¼, NW¼, N½SW¼.

T. 8 S., R. 3 W., Sec. 36, E1/2. T. 9 S., R. 3 W.,

sec. 1, Lots 3, 4, S%NW14, NW14SW14;

Scc. 2, SE13; Scc. 11, NE13NE13, W1/2E1/2; Scc. 14, W1/2NE14, W1/2, NW1/4SE1/3; Sec. 23, NIGHWIZ, SWIZHWIZ, NWIZSWIZ;

Sec. 27, Nigheig, Swigheig, Swig; Sec. 33, N%NE%, N%SW%, SW4SW%.

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T. 10 S., R. 3 W.,
       Sec. 5, Lots 1, 2, SW1/4NE1/4, SW1/4, W1/4-
          SE1/4;
                 5, Lots 1, 2, SW1/4NE1/4, SW1/4,
      Sec. 5, Lots 1, 2, 511/41-7, W½SE¼;
Sec. 8, W½NE¼, W½, W½SE¼;
Sec. 17, NW¼, N½SW¼;
Sec. 19, NE¼NE¼, W½E½;
     Sec. 19, NE4NE4, W1/2E1/2;
Sec. 21, E1/2SE1/4;
Sec. 27, Lots 1 to 4, inclusive;
Sec. 28, E1/2;
Sec. 30, W1/2NE1/4, NW1/4SE1/4;
Sec. 32, W1/2SW1/4; SE1/2SE2, 33, NE1/4, SE1/4SW1/4, SE1/4;
Sec. 33, NE1/4, SE1/4SW1/4, SE1/4;
  Sec. 34, Lots 1 to 4, inclusive.
T. 11 S., R. 3 W.,
Sec. 3, Lots 1 to 4, inclusive;
      Sec. 4, Lots 1, 2, 3, S½NE¼, SE¼NW¼,
E½SW¼, SE¼;
Sec. 5, Lot 4, SW¼NW¼, W½SW¼;
     Sec. 6, SE1/4;
Sec. 7, Lots 1 to 4, inclusive;
      Sec. 8, E½SE¼;
Sec. 9, NE¼, E½NW¼, S½;
      Sec. 10, Lots 1 to 4, inclusive;
      Sec. 15, Lots 1 to 4, inclusive;
     Sec. 16;
Sec. 17, E½E½;
Sec. 18, Lots 1, 2;
Sec. 20, E½NE¼;
Sec. 21, N½, SE¼;
     Sec. 22, Lots 1 to 4, inclusive;
Sec. 27, Lots 1 to 4, inclusive;
 Sec. 28, E½.
T. 11 S., R. 4 W.,
     Sec. 13, SW¼, N½SE¼;
Sec. 24, NW¼, W½SW¼;
Sec. 25, W½W½;
 Sec. 35, NE¼, W½SE¼;
Sec. 36, W½NW¼.
T. 12 S., R. 4 W.,
Sec. 1, SW¼;
      Sec. 2, S1/2 NE1/4;
      Sec. 12, NW 4NE 4, S12NE 4, SE 4;
     Sec. 13, Lots 1, 2, N½NE¼;
Sec. 34, Lots 3, 4, W½SE¼.
 T. 14 S., R. 4 W.,
Sec. 8, N½NE¼, NE¼SW¼;
     Sec. 17, E%NE%;
 Sec. 19, SW/45W/4;
Sec. 29, SE/4SE/4;
Sec. 30, NW/4NW/4;
Sec. 32, NE/4NE/4, S½NE/4, SE/4.
T. 15 S., R. 4 W.,
     Sec. 4, Lot 6, E1/2SW1/4;
     Sec. 5, Lot 1;
    Sec. 6, Lots 4, 5;
Sec. 9, Lot 2, E½NW¼;
Sec. 17, SE¼NE¼, E½SE¼;
     Sec. 20, E1/2NE1/4;
     Sec. 29, S1/2 SW1/4;
     Sec. 31, E1/2E1/2.
50. 31, 5/25/2.

T. 16 S., R. 4 W.,

Sec. 18, E½E½;

Sec. 19, S½NE½NE½, SE¼NE¼, S½SE½;

Sec. 20, S½N½S½N½SW¼, S½S½N½

SWYZSEY, SWYZSWY, S½S½N½
         SW4. NW4SE4, SW4NE4SE4, SK
   S½;
Sec. 21, SW¼SW¼;
Sec. 30, NE<sup>1</sup>/<sub>4</sub>.
T. 15 S., R. 5 W.
    Sec. 12, W1/2 SE1/4;
   S2C. 13, NW 4NE 4, S1/2NE 4, SE 4;
Sec. 25, NW 4NE 4, W 1/2SW 4;
Sec. 36, SW 1/4.
T. 16 S., R. 5 W.,
Sec. 1, S½NW¼;
   Sec. 26, W1/2 NE1/4.
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Respectfully,

H. W. BASHORE. Commissioner.

I concur: August 8, 1944.

FRED W. JOHNSON, Commissioner of the General Land Office.

The foregoing recommendation regarding the Rio Grande project is hereby

approved, and it is so ordered. The jurisdiction over and use of such lands by the Bureau of Reclamation shall cease upon the date of the signing of this order.

This order, however, shall not otherwise become effective to change the status of the lands until 10:00 o'clock a. m. of the sixty-third day from the date on which it is signed, whereupon the lands shall, subject to valid exist-ing rights, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254) and 43 CFR Part 296, to the extent that these regulations are applicable.

The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the district land office to be noted accordingly.

MICHAEL W. STRAUS, Assistant Secretary. August 11, 1944

[F. R. Doc. 44-12755; Filed, August 23, 1944; 11:48 a. m.]

COLORADO-BIG THOMPSON PROJECT, COLO. PARTIAL REVOCATION OF FIRST FORM

> WITHDRAWAL JUNE 12, 1944.

The Secretary of the Interior.

Sir: From recent investigations in connection with the Colorado-Big Thompson project, the withdrawal of the hereinafter described land, withdrawn in the first form prescribed by Section 3 of the Act of June 17, 1902 (32 Stat. 388), by Departmental Order of September 14, 1937, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked: Provided, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

COLORADO-BIG THOMPSON PROJECT

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 79 W., Sec. 19, Lots 31 and 32.

Respectfully.

[SEAL]

H. W. BASHORE, Commissioner.

I concur: August 10, 1944.

FRED W. JOHNSON,

Commissioner of the General Land Office.

The foregoing recommendation regarding the Colorado-Big Thompson project is hereby approved, and it is so ordered. The jurisdiction over and use of such lands by the Bureau of Reclamation shall cease upon the date of the sending of this order.

This order, however, shall not otherwise become effective do change the status of the lands until 10:00 o'clock a. m. of the sixty-third day from the date

on which it is signed, whereupon the lands shall, subject to valid existing rights, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254) and 43 CFR part 296, to the extent that these regulations are applicable.

The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the district land office to be noted accordingly.

> MICHAEL W. STRAUS. Assistant Secretary.

AUGUST 14, 1944.

[F. R. Doc. 44-12756; Filed, August 23, 1944; 11:48 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4673]

CURTISS CANDY COMPANY.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of August, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 25, 1944, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law: and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-12716; Filed, August 23, 1944; 10:13 a. m.]

[Docket No. 5117]

RUCKER'S IMPERIAL BREEDING FARM, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of August, A. D. 1944.

In the matter of Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, Hillview Poultry Farms, Inc., a corporation, Ross R. Salmon, individually, and as an officer of Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, Inc., a corpora-

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered. That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 18, 1944, at ten o'clock in the forenoon of that day (central standard time), in Room 316, United States Court House, Des Moines, Iowa.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-12717; Filed, August 23, 1944; 10:13 a. m.1

[Docket No. 5162]

STROMBERG HATCHERY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTI-

In the matter of Ernest Stromberg. Josephine Stromberg, Betty Snyder, and Loyl Stromberg, individuals, trading as Stromberg Hatchery.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D.C., on the 22d day of August, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered. That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 11, 1944, at ten o'clock in the forenoon of that day (central standard time), in Court Room, o Federal Building, Fort Dodge, Iowa.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-12718; Flied, August 23, 1944; 10:13 a. m.]

[Docket No. 5181]

CHICK BED Co.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of August, A. D. 1944.
In the matter of Otto A. Kohl, an indi-

vidual, Clarke Van Meter, and Marvin M. Cobb, individuals and trustees, copartners trading as Chick Bed Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered, That the taking of testimony in this proceeding begin on Friday, September 1, 1944, at ten o'clock in the forenoon of that day (central standard time), in Room No. 2, Federal Building, Cedar Rapids, Iowa.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 44-12719; Filed, August 23, 1944; 10:13 a. m.]

INTERSTATE COMMERCE COMMIS-SION.

[S. O. 70-A, Special Permit 461] RECONSIGNMENT OF PEACHES AT MASON CITY, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of

Service Order No. 70-A of October 22. 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To dicregard entirely the provisions of Service Order No. 70-A incofar as it applies to the reconsignment at Mason City, Iowa, August 18, 1944, by C. H. Robinson Company of car PFE 74430, peaches, now on the C. E. I. & P. Raliroad, to Fargo, North Dakota.

The waybill chall show reference to this

special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1944.

> V. C. CLINGER. Director. Bureau of Service.

[F. R. Doc. 44-12721; Filed, August 23, 1944; 10:27 a. m.]

[S. O. 70-A, Special Permit 462]

RECONSIGNMENT OF POTATOES AT CHICAGO, TLT.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 18, 1944, by R. A. Elotz Company of car NWX 1481, patatoes, now on the Wood Street Terminal to Piggly Wiggly Stores, Champaign, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1944.

> V. C. CLINGER, Director. Bureau of Service.

[F. R. Doc. 44-12722; Filed, August 23, 1244; 10:27 a. m.]

[Rev. S. O. 224, Special Permit 2] ICING OF ORANGES FROM SAN BERNARDINO,

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (9 F.R. 10002) of Service Order No. 224, of August 12, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 224 insofar as it applies to PFE 79996, 79997, SFRD° 4547, 38391 and 33383, all loaded with oranges originating at San Bernardino, California, August 16, routed Santa Fe-Erie destined New York, N. Y. The first four cars may be accorded full bunker icing or reicing under standard re-frigeration and the last car may be accorded full bunker initial icing also full bunker reicing at Needles and Argentine only.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1944.

> V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 44-12723; Filed, August 23, 1944; 10:28 a.m.]

OFFICE OF DEFENSE TRANSPORTA-

[Special Order ODT B-9, Amdt. 4] COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN CHICAGO, ILL., AND NEW YORK, N. Y.

Upon further consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers and amendments thereof, filed with the Office of Defense Transportation by All American Bus Lines, Inc., Chicago, Illinois, and Northern Trails, Inc., Chicago, Illinois, pursuant to § 501.49 of General Order ODT 11, as amended, (7 F.R. 4389 and 11099; 8 F.R. 12028): It is hereby ordered, That:
1. Special Order ODT B-9, as amended,

(7 F.R. 5926; 8 F.R. 1160 and 11000; 9 F.R. 5092), be, and it hereby is, amended by deleting the word and figures September 1, 1944, where they appear in paragraph 3 thereof and substituting therefor the word and figures March 1, 1945.

This amendment shall become effective on August 23, 1944.

Issued at Washington, D. C., this 23d day of August 1944.

> J. M. JOHNSON, Director,

Office of Defense Transportation. [F. R. Doc. 44-12728; Filed, August 23, 1944; 11:18 a. m.]

[Special Order ODT B-2, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN OMAHA, NEBR., AND LOS ANGELES, CALIF., VIA SALT LAKE CITY, UTAH, AND BETWEEN OMAHA, NEBR., AND SIOUX CITY, IOWA

Upon further consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed at this Office by Burlington Transportation Company, Chicago, Illinois, and Interstate Transit Lines, Omaha, Nebraska; It is hereby ordered, That:

Special Order ODT B-2 (7 F.R. 4240) be, and it hereby is, amended by adding a paragraph numbered 9 at the end thereof, reading as follows:

9. The provisions of this order shall be subject to any Special Permit issued by the Division Director, Passenger Operations Division, Highway Transport Department, Office of Defense Transportation, to meet specific needs or special circumstances.

Issued at Washington, D. C., this 23d day of August 1944.

> J. M. JOHNSON, Director, Office of Defense Transportation.

[F. R. Doc. 44-12729; Filed, August 23, 1944; 11:18 a. m.]

> [Supp. Order ODT 20A-163] CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN PAWTUCKET,

R. I. AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,1 and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Pawtucket, Rhode Island, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby or-

dered, That:
1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall super-sede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this

order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representa-tives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Providence, Rhode Island, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-163" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Providence, Rhode Island.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

> J. M. JOHNSON, Director Office of Defense Transportation.

> > APPENDIX 1

Wilfred A. Lamarre, 188 Main St., Pawtuckett, R. I.

Daniel P. Fox, 188 Main St., Pawtucket, Thomas J. MacNamara, 150 Main St., Paw-

tucket, R. I. Hamilton Taxi, 160 Main St., Pawtucket,

Filed as part of the original document.

Pawtucket Taxi, 150 Main St., Pawtucket, R. I.

Yellow Cab Co., 150 Main St., Pawtucket, R. I.

Bro Taxi Co., 15 Bayley St., Pawtucket, R. I. Breen Taxi, 16 Dexter St., Pawtucket, R. I. George's Taxi, 5½ Goff Ave., Pawtucket, 3. I.

Menatian Taxi, 549½ Broadway, Pawtucket, R. I. Slater Cab Co., 43 East Ave., Pawtucket,

[F. R. Doc. 44-12730; Filed, August 23, 1944; 11:18 a. m.]

[Supp. Order ODT 20A-164] CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN TRENTON, N. J., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,3 and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Trenton, New Jersey, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations

affected by this order.

The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pur-

suant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Trenton, New Jersey, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-164" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Trenton, New Jersey.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.
Appendix 1

John D'Angelo, 14 Fairview Avenue, Trenton, N. J.

James Fruscione, 535 Brunswick Avenue, Trenton, N. J.

Joseph Derrico, 20 Division Street, Trenton, N. J.
Joseph Fruscione, 1194 Princeton Avenue,

Trenton, N. J.

Domenick Orsi, 129 S. Broad Street, Tren-

Domenick Orsi, 129 S. Broad Street, Trenton, N. J.

Ideale Martone, 136 Emanuel Street, Trenton, N. J.

[F. R. Doc. 44-12731; Filed, August 23, 1944; 11:19 a. m.]

[Supp. Order ODT 20A-165]
CERTAIN TANICAB OPERATORS
COORDINATED OPERATIONS IN CHELSEA,
IMASS, AREA

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators", pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2, and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Chelsea, Massachusetts, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful procecution of the war: It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requlsite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate tenicals within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Easton, Massachusetts, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall be-

Filed as part of the original document.

No. 169----3

come subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-165" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Boston, 10,

Massachusetts.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

> J. M. JOHNSON, Director, Office of Defense Transportation. APPENDIX 1

Greene Taxi Service, 237 Broadway, Chelsea, Massachusetts.

Independent Taxi, 18 Bellingham Street, Chelsea, Massachusetts.

Broadway Taxi, 458 Broadway, Chelsea, Massachusetts.

[F, R. Doc. 44-12732; Filed, August 23, 1944; 11:19 a. m.]

> [Supp. Order ODT 20A-166] CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN GARDEN CITY, N. Y., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,1 and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Garden City, New York, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense

Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, New York, New York, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-166" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, New York, New York.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

> J. M. JOHNSON, Director. Office of Defense Transportation.

APPENDIX 1

George Braband, d/b/a Garden City Taxl Owners, Garden City, N. Y. Walter W. Barnes, d/b/a Garden City Taxi

Owners, Garden City, N. Y.
Fred J. Whitfield, d/b/a Garden City Taxi
Owners, Garden City, N. Y.
Vernon Evans, d/b/a Garden City Taxi
Owners, Garden City, N. Y.

Grover Minton, d/b/a Garden City Taxi Owners, Garden City, N. Y. Christian Kleinert, d/b/a Garden City Taxi

Owners, Garden City, N. Y.
John J. Mollineaux, d/b/a Garden City Taxi
Owners, Garden City, N. Y.
Charley V. Wharton, d/b/a Garden City
Taxi Owners, Garden City, N. Y.
William C. Evans, d/b/a Garden City Taxi
Owners, Garden City, N. Y.

Owners, Garden City, N. Y.
John J. Re, d/b/a Garden City Taxi
Owners, Garden City, N. Y.

[F. R. Doc. 44-12733; Filed August 23, 1944; 11:19 a, m.]

[Supp. Order ODT 20A-167] CERTAIN TAXICAB OPERATORS COORDINATED OPERATIONS IN MANKATO. MINN. AREA

Upon a consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (herein-after called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,1 and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Mankato, Minnesota, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forth-with file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations

affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the op-

¹ Filed as part of the original document.

erators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Mason City, Towa, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-167" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Mason

City, Iowa.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

J. M. JOHNSON, Director, Office of Defense Transportation, APPENDIX 1

Royal Cab Company, 113 E. Hickory Street, Mankato, Minn.

Kauffman Taxi Company, 102 N. 2d Street, Mankato, Minn.

Eugene Coy, d/b/a Coy Cab Company, Mankato, Minn.

[F. R. Doc. 44-12734; Filed, August 23, 1944; 11:20 a.m.]

[Supp. Order ODT 20A-168]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN WATERLOO AND CEDAR FALLS, IOWA, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,3 and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Waterloo and Cedar Falls, Iowa, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are

in conflict therewith. 2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations

affected by this order. 3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Mason City, Iowa, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to

participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-168" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Mason City, Iowa.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

> J. M. Johnson, Director. Office of Defense Transportation.

APPENDIX 1

Forum Yellow Cab Company, 711 Commercial Street, Waterles, Iowa.
City Cab Company, 503 Lafayette Street,

Waterloo, Iowa.

Yellow Cab Company, Cedar Falls, Iowa.

[F. R. Doc. 44-12735; Filed, August 23, 1944; 11:20 a.m.]

(Supp. Order ODT 20A-163) CERTAIN TAXICAE OPERATORS

COORDINATED OPERATIONS IN ASTORIA, OREG., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2, and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Astoria, Oregon, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

- 1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.
- 2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

¹Filed as part of the original document.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Trans-

portation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Portland, Oregon, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-169" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Portland,

Oregon.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

J. M. Johnson,

Director,

Office of Defense Transportation.

APPENDIX 1

Foster Taxi Company, Astoria, Oregon. Royal Cab Company, Astoria, Oregon. Union Cab Company, Astoria, Oregon.

[F. R. Doc. 44-12736; Filed, August 23, 1944; 11:20 a. m.]

[Supp. Order ODT 20A-170] CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN NEPTUNE AND LONG BRANCH. N. J. AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,1 and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Neptune and Long Branch, New Jersey, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations

affected by this order.

- 3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.
- 4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effec-

uate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor. may make application in writing to the Highway Transport Department, Office of Defense Transportation, Trenton, New Jersey, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party. to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-170" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Trenton,

New Jersey.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

J. M. Johnson,
Director,
Office of Defense Transportation.
Appendix 1

Hen-Fran Corporation, 9 South Main Street, Neptune, N. J.

Golden Cab Company, 247 Broadway, Long Branch, N. J.

[F. R. Doc. 44–12737; Filed, August 23, 1944; 11:21 a. m.]

[Supp. Order ODT 20A-171]

CERTAIN TAXICAB OPERATORS
COORDINATED OPERATIONS IN BEVERLY, MASS.,
AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order QDT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2, and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Beverly, Massachusetts, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of

Filed as part of the original document.

which purposes is essential to the successful prosecution of the war; It is

hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations

affected by this order.

- 3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein; such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.
- 4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

- 6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Boston, Massachusetts, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in acordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.
- 7. Communications concerning this order should refer to "Supplementary Order ODT 20A-171" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office

of Defense Transportation, Boston, Massachusetts.

8. This order shall become effective August 30, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of August 1944.

J. M. Johnson, Director, Office of Defense Transportation.

APPENDIX 1

Sterman Taxl Co. Inc., 35 Bow Street, Beverly, Mass.

Community Taxi, Rantoul Street, Beverly, Mass.

Reds Taxi Service, 7 Taft Avenue, Beverly, Mass.

John A. Lister, 56 Sohier Road, Beverly, Mass. Samuel Goldberg, 74 Elliot Street, Beverly,

Mass.

[F. R. Doc. 44-12738; Filed, August 23, 1944; 11:21 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 48 to Order A-1]

STRUCTURAL CLAY PRODUCTS

MODIFICATION OF MAXIMUM PRICES

Amendment No. 48 to Order No. A-1 under § 1499.159b of Maximum Price Regulation 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (36) is added to Order A-1 to read as follows:

(36) Modification of maximum prices for structural clay products—(i) Scope of this subparagraph. This subparagraph (36) establishes adjusted maximum prices for sales and deliveries of building brick (common and unglazed face), drain tile and hollow building tile, (glazed and unglazed), in the States of Iowa, Minnesota, Nebraska, North Dakota, South Dakota, the upper Peninsula of Michigan and Counties of Wisconsin lying north and west of and including Oconto, Shawano, Waupaca, Waushara, Green Lake, Columbia, Dane and Green.

(ii) Maximum prices. On and after the 26th day of August, 1944, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver, and no person in the course of trade or business, shall buy or receive any building brick (common and unglazed face), drain tile, or hollow building tile, (glazed or unglazed), produced in or delivered in the area specified in subparagraph (i) above, at prices higher than those set forth below. Prices lower than maximum prices may be charged and paid. The maximum prices computed under this subparagraph shall be subject to all

cash discounts, allowances and price differentials established by the seller for such products and in effect to the sellers' various classes of customers during the month of March 1942.

(a) The manufacturer's maximum prices for building brick, (common and unglazed face), may be increased by adding an amount not in excess of \$2.00 per thousand to f. o. b. plant prices or delivered prices for standard size brick. If the manufacturer had an established differential in price during the month of March 1942 for non-standard sizes of building brick (common and unglazed. face) he may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formula in use by him during March 1942 in establishing a price differential between the standard size brick and the non-standard size brick under this adjustment.

(b) The maximum prices for drain tile may be increased as follows:

Elso (inska)	Weight per foot	Increase per M lin- cal flet
3	Pcunds 5 6 8 19 115 23 82	\$1.60 2.20 3.69 3.80 6.00 9.40 12.00

Manufacturers who produce drain tile of 14" through 24" diameters, inclusive, may compute the maximum price increase per M lineal feet at \$0.75 per ton on the basis of published weights per foot, rounded off at the nearest \$.10 figure in accordance with established industry practice.

dustry practice.

(c) The maximum prices for hollow building tile, (glazed or unglazed), may be increased by adding an amount not in excess of \$.75 per ton to f. o. b. plant

or delivered prices.

(iii) Any Jobber or dealer purchasing structural clay products for resale from any manufacturer who has modified his maximum prices in accordance with subdivision (ii) above may increase his maximum prices f. o. b. yard or delivered, established by the General Maximum Price Regulation, by the dollars-and-cents amount equal to his actual dollars-and-cents increase in cost resulting from the increase permitted under subdivision (ii) above.

(iv) Any price adjustment granted prior to August 26, 1944, for any seller of brick covered by this Paragraph (a) (36) is hereby revoked.

This Paragraph (a) (36) may be re-voked or amended at any time.

This Amendment No. 48 shall become effective August 26, 1944.

Issued this 23d day of August 1944.

CHESTER BOWLES, Administrator.

[F. R. Doc. 44-12761; Filed, August 23, 1944; 11:53 a. m.]

[MPR 188, Amdt. 49 to Order A-1] BUILDING BRICK

MODIFICATION OF MAXIMUM PRICES

Amendment No. 49 to Order. No. A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of maximum prices in Maximum Price Regulation No. 188.

An opinion accompanying Amendment No. 49 to Order No. A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) (37) is added to Order A-1 to read as follows:

(37) Modification of maximum prices for building brick (common and unglazed face). (i) The manufacturers' maximum prices for building brick (common and unglazed face) produced in the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, established pursuant to Maximum Price Regulation No. 188, as amended, may be increased by adding an amount not in excess of \$2.00 per thousand to f. o. b. plant prices or delivered prices on standard size brick. If the manufacturer had an established differential in price during the month of March 1942 for nonstandard sizes of building brick (common and unglazed face) he may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formula in use by him during March 1942 in establishing a price differential between the standard size brick and the non-standard size brick under this adjustment.

(ii) Any jobber or dealer purchasing building brick (common and unglazed face) for resale from any manufacturer who has increased his maximum prices in accordance with subdivision (i) above may increase his established f. o. b. yard or delivered maximum price under the General Maximum Price Regulation, by the dollar-and-cents amount equal to his actual dollar-and-cents increase in cost resulting from the increase permitted under subdivision (i) above.

(iii) The maximum prices established herein shall be subject to at least the same cash, quantity and other discounts, transportation allowances, services, and other terms and conditions of sale as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(iv) Any price adjustment granted prior to August 26, 1944 for any seller of brick covered by this paragraph (a) (37) is hereby revoked.

This Amendment No. 49 shall become effective August 26, 1944.

Issued this 23d day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-12766; Filed, August 23, 1944; 12:03 p. m.]

[MPR 188, Amdt. 51 to Order A-1]

DOMESTIC HOT WATER HEATERS
ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 51 to Order A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Order A-1 is amended in the following respect:

1. Paragraph (a) (39) is added to read as follows:

(39) Modification of maximum prices of automatic controls for use in domestic hot water heaters—(i) Scope of this subparagraph. This subparagraph (39) establishes adjusted maximum prices for sales and deliveries of automatic controls for direct-fired domestic automatic hot water heaters by the manufacturers of such automatic controls to manufacturers of such heaters for use in the manufacture thereof.

This subparagraph does not establish adjusted maximum prices for sales of automatic controls for direct-fired domestic automatic hot water heaters by the manufacturers of such controls to persons other than manufacturers of such heaters or sales of such controls to manufacturers of such heaters where such controls are not used in the manufacture thereof.

For the purpose of this subparagraph the term "automatic controls for directfired domestic automatic hot water heaters" means any automatic device especially designed for (1) controlling and maintaining the temperature and (2) the safe operation of a direct-fired domestic automatic hot water heater which uses natural or manufactured gas, kerosene, or oil, or any derivative thereof as fuel. The term includes but is not limited to safety pilots or shut-offs, thermostats and combination units embodying at least two of the following features: thermostat, safety pilot or shut-off, main gas cock, flow control valve, and pilot valve.

(ii) Maximum prices. On and after August 24, 1944, regardless of any contract, agreement, lease, or other obligation, any manufacturer of automatic controls for direct-fired domestic automatic hot water heaters may, on sales to manufacturers of direct-fired domestic automatic hot water heaters for use in the manufacture of such heaters only, increase his presently established maximum net price for such automatic controls by 9 percent.

(iii) Cash discounts, allowances and services. The maximum prices established by this subparagraph shall be subject to the extension of cash discounts and other allowances, the rendition of services and the absorption of transportation charges most favorable to manufacturers of direct-fired domestic automatic hot water heaters which the manufacturer extended, rendered or absorbed or would have extended, rendered or absorbed during the month of March 1942.

(iv) Every person selling automatic controls under the authority of this subparagraph shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of each sale made under the authority of this subparagraph, showing the date of the sale, the name and address of the purchaser, the plate number, the transaction price, the discount allowed, transportation charges allowed, and the point of delivery, except that such records need not be kept for any month in which the total sales of automatic controls do not exceed \$1,000.00.

(v) Every person making sales under the authority of this subparagraph shall submit such reports as the Office of Price Administration shall from time to time require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(vi) Notification to purchasers. Every person making sales under the authority of this subparagraph shall send a notice to every purchaser at the time of the first invoicing stating substantially as follows:

Amendment No. 51 to Order A-1 under § 1499.159b of Maximum Price Regulation No. 188 permits us to increase by 9 percent our present maximum net price of automatic controls for use in direct-fired domestic automatic hot water heaters when sold to a manufacturer of direct-fired domestic automatic hot water heaters for such use by the manufacturer. The prices charged you for automatic controls are not higher than the adjusted maximum net prices permitted under this amendment.

This notice is given to you at the express direction of the Office of Price Adminis-

tration.

This Amendment No. 51 shall become effective August 24, 1944.

Issued this 23d day of August 1944.

James F. Brownlee, Acting Administrator.

[F. R. Doc. 44-12762; Filed, August 23, 1941; 11:58 a. m.]

[RMPR 436, Order 12] CRUDE PETROLEUM

ADJUSTMENT OF MAXIMUM PRICES

Order No. 12 under Revised Maximum Price Regulation No. 436. Crude petroleum and natural and petroleum gas.

Order revising maximum price of crude petroleum from:

Haynesville (Buck Range or Blossom Sand) Pool, Claiborne County, La.

Hardy Pool, Lea County, N. Mex. Penrose Pool, Lea County, N. Mex. Barnett Creek Pool, Onlo County, Ky. Sebree Pool, Webster County, Ky.

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436 It is hereby ordered:

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after August 1, 1944

^{*}Copies may be obtained from the Office of Price Administration.

and produced in any of the pools set out below to an applicant under the Stripper Well Compensatory Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below:

Amount of increase (dollars per 42-gallon barrel)

.20

Louisiana, Claiborne County, Haynesville (Buck Bange or Blossom) Pool. \$0.20 New Mexico, Lea County, Hardy Pool__ .20 New Mexico, Lea County, Penrose Pool_ .20 Kentucky, Ohio County, Barnett Creek Pool .20 Kentucky, Webster County, Sebree

(b) This order may be revoked. amended or corrected at any time.

Pool .

This order shall become effective as of August 1, 1944.

Issued this 23d day of August 1944.

James F. Brownlee, Acting Administrator.

[F. R. Doc. 44-12764; Filed, August 23, 1944; 11:59 a. m.l

[RMPR 436, Order 13] CRUDE PETROLEUM

ADJUSTMENT OF MAXIMUM PRICE

Order No. 13 under Revised Maximum Price Regulation No. 436. Crude petroleum, and natural and petroleum gas.

Order revising maximum price of crude petroleum from:

Cairo Pool, Henderson County, Ky. Chapman Pool, Union County, Ky. Clay Pool, Webster County, Ky. Coryden Pool, Henderson County, Ky. Geneva Pool, Henderson County, Ky. Greenbriar Pool, Henderson County, Ky. North Livermore Pool, McLean County, Ky. Panther Pool, Henderson County, Ky. Raleigh Pool, Union County, Ky. Spring Grove Pool, Union County, Ky.

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436, It is hereby ordered:

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after August 1, 1944, and produced in any of the pools set out above shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436. Increases heretofore granted for these pools by section 12 of Revised Maximum Price Regulation No. 436 are hereby revoked.

This order shall become effective as of August 1, 1944. _

Issued this 23d day of August. 1944.

James F. Brownlee, Acting Administrator.

[F. R. Doc. 44-12763; Filed, August 23, 1944; 11:59 a. m.]

[RMPR 436, Order 14] CRUDE PETROLEULI

ADJUSTMENT OF MAXIMUM PRICES

Order No. 14 under Revised Maximum Price Regulation No. 436. Crude petroleum, and natural and petroleum gas.

Order revising maximum price of crude petroleum from:

Ivy Pool, Shackelford County, Tex. Stroud Deep Pool, Stephens County, Tex. Rogers-McCrary Pool, Wilbarger County,

Daws Pool, Young County, Tex. Sewell Pool, Young County, Tex. Gayle Pool, Coleman County, Tex. Bowers Pool, Montague County, Tex. Grass Creek Frontier-Lower Sand-Heavy Oil

Pool, Hot Spring County, Wyo.
Milroy (all pools excepting shallow) Pool,
Stephens County, Okla.

Stephens County, Okla.

Fox (all pools excepting shallow) Fool,
Carter County, Okla.

Velma (all pools excepting shallow) Fool,
Stephens County, Okla.

Edmonds Pool, Young County, Tex.
Burns Ragland Strawn Fool, Young County,

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436 It is hereby ordered:

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the recelving tank on or after August 1, 1944 and produced in any of the pools set out above shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436. Increases heretofore granted for these pools by section 12 of Revised Maximum Price Regulation No. 436 are hereby revoked.

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective as of August 1, 1944.

Issued this 23d day of August 1944.

JAMES F. BROWNLEE, Acting Administrator.

[F. R. Doc. 44-12765; Filed, August 23, 1944; 11:59 a. m.]

[RMPR 436, Order 15] CRUDE PETROLEUM

ADJUSTMENT OF MAXIMUM PRICES

Order No. 15 under Revised Maximum Price Regulation No. 436. Crude petroleum, and natural and petroleum gas. Order revising maximum price of

crude petroleum from:

Dundas Consolidated Pool, Richland and Jasper Countles, Illinois.

Inman Pool, Gallatin County, Illinois. Manila Pool, Jim Hogg County, Texas. New Salem Pool, Allegan County, Michigan. Fox (Shallow) Pool, Carter County, Okla-

Grass Creek, Frontier Eand, Light Oil Pool, Hot Springs County, Wyoming.

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436, It is hereby ordered:

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude patroleum run from the receiving tank on or after August 1, 1944 and produced in any of the pools set out below to an applicant under the Stripper Well Compensatory Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below:

Amount of increase (dollars per 42 gallon barrel)

Illinois State, Richland and Jasper Texas State, Jim Hogg County, Manila-Pool... .35 Michigan State, Allegan County, New Salem Pool25 Oklahoma State, Carter County, Fox (Shallow) Pool Wyoming State, Hot Springs County, Gram Creek, Frontier Sand Light .25 .25

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective as of August 1, 1944.

Icsued this 23d day of August 1944.

JAMES F. BROWNLEE, Acting Administrator.

[F. R. Doc. 44-12769; Filed, August 23, 1944; 12:06 p. m.]

[Administrative Notice 6]

NOTICE TO GROWERS OF PROPOSED MAXIMUM PRICES FOR WHITE FLESH POTATOES

Correction

In F.R. Doc. 44-12183, appearing on page 9929 of the issue for Tuesday, August 15, 1944, the first period in the table should read: "Beginning of season— March 31:"

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on August 18,

REGION II

Buffalo Order A-1, covering live poultry at retail in Cattaraugue, Chautauqua and Erie, and alco Niagara Co., N. Y., filed 2:35 p. m.
Buffalo Order A-2, covering live poultry at retail in Buffalo and Lackayanna Cities and

Village of Kenmore, N. Y., filed 2:37 p. m. Buffalo Order A-3, covering live poultry at

retall in Allegany, Genecee, Livingston, Lon-roe, Orleans and Wyoming Counties in New York, filed 2:37 p.m.

REGION IV

Savannah Order 4-W, covering dry groceries at wholecale in certain countles in Georgia, filed 2:43 p. m.

Savannah Order 17, covering dry groceries and certain perichables in certain counties in Georgia, filed 2:45 p. m.

Savannah Order 17, Amendment 1, covering dry grozeries and certain perichables in cer-tain counties in Georgia, filed 2:44 p. m.

South Carolina Order 3-W, covering wholesale food prices in South Carolina, filed 2:16 p.m.

REGION VI

Springfield Order 1-FS, Amendment 3, covering fresh fruit and vegetables in City of Springfield, Sangamon Co., Ill., filed 2:18 p. m.

Springfield Order W-13, covering drycgroceries in certain named counties in Illinois,

filed 4:22 p. m.

Springfield Order W-14, covering dry groceries in designated counties in Illinois, filed 2:13 p. m.

Springfield Order W-15, covering dry groceries in designated counties in Illinois, filed 4:19 p. m.

Springfield Order W-16, covering dry groceries in designated counties in Illinois, filed 4:19 p. m.

Springfield Order W-17, covering dry groceries in designated counties in Illinois, filed 4:22 n. m.

Springfield Order W-18, covering dry groceries in designated counties in Illinois, filed 2:15 p. m.

Springfield Order 36, covering community food prices in designated counties in Illinois, filed 4:21 p. m.

Springfield Order 37, covering community food prices in designated counties in Illinois, filed 4:22 p. m.

Springfield Order 38, covering community food prices in designated counties in Illinois, filed 2:13 p. m.

Springfield Order 39, covering community food prices in designated counties in Illinois, filed 4:19 n.m.

filed 4:19 p. m. Springfield Order 40, covering community food prices in designated counties in Illinois, filed 2:15 p. m.

Springfield Order 41, covering community food prices in designated counties in Illinois, filed 2:42 p. m.

Springfield Order 42, covering community food prices in the Springfield, Ill. district, filed 4:21 p. m.

REGION VII

Bolse Order 1-F, Amendment 1, covering fresh fruits and vegetables in Bolse, Idaho, filed 2:44 p. m.

Wyoming Order 1-F, Amendment 9, covering fresh fruits and vegetables in the Cheyenne Area, filed 2:19 p. m.

enne Area, filed 2:19 p. m.
Wyoming Order 2-F, Amendment 7, covering fresh fruits and vegetables in the Laramie Area, filed 2:20 p. m.
Wyoming Order 3-F, Amendment 6, cover-

Wyoming Order 3-F, Amendment 6, covering fresh fruits and vegetables in the Casper Area, filed 2:20 p. m.

Wyoming Order 5-F, Amendment 5, covering fresh fruits and vegetables in the Rock Springs Area, filed 2:20 p. m.

REGION VIII

Phoenix Order 13, Amendment 2, covering community ceiling prices in the Cochise Area, filed 2:16 p.m.

Copies of any of these orders may be obtained from the OPA Office of the designated city.

ERVIN H. POLLACK, Secretary.

[F. R. Doc. 44-12759; Filed, August 23, 1944; 11:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-953]

ELECTRIC POWER & LIGHT CORP. AND ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of August A. D. 1944.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a subsidiary of Electric Bond and Share Company, both registered holding companies and Electric's subsidiary, Arkansas Power & Light Company ("Arkansas").

All interested persons are referred to said joint declaration or application which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

In return for the surrender by Electric to Arkansas of all of the securities of the latter held by it consisting of 7,697 shares of \$7 preferred stock and 1,233,638 shares of no par value common stock and the payment by Electric to Arkansas of \$4,000,000 in cash, Arkansas will issue to Electric 1,070,000 shares of new \$12.50 per value common stock.

Arkansas will also take the following corporate action:

(1) Cancel the securities to be received by it from Electric together with 891 shares of reacquired \$7 preferred stock and 453 shares of reacquired \$6 preferred stock held by it in its treasury.

(2) Restate the then remaining outstanding shares of \$6 and \$7 preferred stock at \$100 per share, the amount of the claim of such shares on liquidation.

(3) Call for redemption, by lot, 39,934 shares of its \$7 preferred stock at the redemption price of \$110 plus accrued dividends.

As a result of the foregoing transactions the capital surplus of Arkansas will be increased from \$5,862 to \$5,736,826 of which \$3,296,782 together with \$165,-136 of earned surplus of the company will be used to eliminate certain inflationary items contained in the plant account of Arkansas and to make other accounting adjustments ordered to be made by the Department of Public Utilities of Arkansas. The remaining balance of capital surplus will be used to dispose of certain capital stock discount and expense and call premiums.

Arkansas further proposes to amend its Articles of Incorporation to confer contingent voting rights on its preferred stocks and to provide that in the event of a partial redemption of either of the classes of preferred stock, the shares to be redeemed shall be selected by lot. The proposed transactions will, according to the filing, be expressly authorized by the Department of Public Utilities of Arkansas.

The applicants-declarants have designated sections 6 (a), 6 (b), 9 (a) (1), 12 and Rules U-42, U-43 and U-45 as being applicable to the proposed transactions.

It appearing to the Commission that it is proper and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration, and that said application should not be granted, or said declaration should not

become effective, except pursuant to further order of the Commission:

It is hereby ordered, That a hearing be held upon said matters on September 5, 1944 at 10:00 a.m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why the application-declaration should be granted and should be permitted to become effective.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicants and declarants herein and the Department of Public Utilities of Arkansas; and that notice of said hearing be given to all other persons by publication of this order in the Federal Register. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before September 2, 1944 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and sale of common stock by Arkansas is solely for the purpose of financing the business of said company and has been expressly authorized by a state commission of the state in which Arkansas is organized and doing business.

(2) Whether the proposed transfer of securities from Electric to Arkansas and the purchase of common stock by Electric and the proposed reduction of capital stock liability by Arkansas will result in an unfair and inequitable distribution of voting power or is otherwise detrimental to the public interest or the interests of investors or consumers.

(3) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

(4) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary,

[F. R. Doc. 44-12751; Filed, August 23, 1944; 11:47 a. m.]

[File No. 70-939]

MISSISSIPPI POWER & LIGHT CO., AND ELEC-TRIC POWER & LIGHT CORP.

ORDER GRANTING APPLICATION AND PERMIT-TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of August A. D., 1944

Electric Power & Light Corporation ("Electric"), a registered holding company, and its public utility subsidiary Mississippi Power & Light Company ("Mississippi"), having filed a joint application and declaration, with amendments thereto, in which it is proposed that:

- (1) Pursuant to a condition contained in the order of this Commission dated May 13, 1944, in Electric Power & Light Corporation, File No. 70–752, Electric transfer to Mississippi 20,182 shares of the \$6 preferred stock of Mississippi and Mississippi change the stated value of its presently outstanding 500,000 shares of common stock, all of which are owned by Electric, from \$2,500,000 to \$4,750,000; and
- (2) Mississippi issue and sell at public sale, pursuant to the competitive bidding provisions of Rule U-50, \$12,000,000 principal amount of First Mortgage Bonds to mature in 1974, and issue and sell to Central Hanover Bank and Trust Company, \$2,000,000 principal amount of promissory notes, payable in 20 equal semiannual instalments beginning March 1, 1945, said notes to be sold at par and to bear interest at 2½% per annum; and
- (3) The proceeds of the sale of said securities to be applied, together with treasury cash, to the redemption of Mississippi's First Mortgage Gold Bonds, 5% Series, due 1957, in the principal amount of \$15,000,000 at the redemption price of 102½% of the principal amount plus accrued interest to the date of redemption; and
- (4) Mississippi change its Certificate of Incorporation so as to confer certain contingent voting rights upon the shares of \$6 preferred stock remaining outstanding; and

In connection with the issuance and sale of the proposed bonds Mississippi having requested that the ten-day period for inviting bids, as provided in our Rule U-50 (b), be shortened to a period of not less than 6 days; and

Samuel Okin having filed a request for leave to intervene in the above proceedings and having requested oral argument and permission to file & brief therein, and having been granted limited participation by the trial examiner; and

A public hearing having been held after appropriate notice and the Commission having considered the record and made and filed its findings and opinion herein;

It is ordered, That said application and declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, except, as to the price to be paid for said bonds,

their redemption prices, the underwriters' spread and its allocation and all legal fees and expenses to be paid in connection with the proposed transactions, as to which matters jurisdiction be, and the same hereby is, specifically reserved and subject to the terms and conditions contained in Rule U-24 and the following additional terms and conditions:

(1) That not later than December 31, 1944 Mississippi Power & Light Company shall, by charge to earned surplus, create a contingency reserve in the amount of \$120,000 to be available for the disposition of capitalized intra-system profits contained in its gas plant account; and

(2) That Mississippi Power & Light Company shall accrue through charges to Account 537—Miscellaneous Amortization and concurrent credits to Account 252—Reserve for Amortization of Utility Plant Acquisition Adjustments each calendar year, beginning with the calendar year 1944, an amount not less than one-fifteenth of \$404,000 or \$26,933.33 as a contingency reserve to be available for the disposition of gas plant acquisition adjustments.

It is further ordered, That the 10-day period for inviting bids as provided by Rule U-50 (b), be shortened to a period of not less than 6 days.

It is further ordered, That the requests of Samuel Okin for leave to intervene, for oral argument, and for permission to file a brief be, and hereby are, denied.

By the Commission,

[SEAL]

ORVAL L. DUBOIS, Secretary,

[F, R. Doc. 44-12752; Filed, August 23, 1944; 11:47 a. m.]

WAR MANPOWER COMMISSION.

Springfield-Windson, VI., Area

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Springfield-Windsor Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943 (8 F.R. 11338).

- Sec.
- Purpose.
 Definitions.
- 3. Control of hiring and colicitation of workers.
- Authority and responsibilities of management-labor committee.
- Encouragement of local initiative and use of existing hiring channels.
- 6. General.
- 7. Issuance of statements of availability by employers.
- Issuance of statements of availability by United States Employment Service.
 Referral in case of under-utilization.
- Workers who may be hired only upon referral by the United States Employment Service.
- 11. Hiring contrary to the program.
- 12. Exclusions.
- 13. Appeals.
- 14. Statements of availability.
- 15. Solicitation of workers.
- 16. Hiring.
- 17. Representation.
- 18. General referral policies,
- 19. Effective date.

- Sec. 1. Purpose. This employment stabilization program has been adopted in the Springfield-Windsor Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:
- The elimination of wasteful labor turnover in essential activities,
- The reduction of unnecessary labor migration,
- (3) The direction of the flow of scarce labor where most needed in the war program,
- (4) The maximum utilization of manpower resources.
- Sec. 2. Definitions. As used in this employment stabilization program:
- (1) The Springfield-Windsor Area is comprised of the territory designated in Appendix A.
- (2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations
- commercial operations. O
 (3) "State" includes Alaska, Hawaii, and the District of Columbia.
- (4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than sevon days' duration and employment which is supplemental to the employee's principal work shall be disregarded.
- (5) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.
- (6) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Springfield-Windsor Area to be either:
- (a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or
- (b) An occupation in which the demand for workers in such area exceeds the available supply.
- (7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.
- (8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.
- (9) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.
- Sec. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Springfield-Windsor Area shall be conducted in accordance with this employment stabilization program.

No. 169-4

This shall include any hiring or solicttation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. Authority and responsibility of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Springfield-Windsor Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

Sec. 5. Encouragement of local initiative and use of existing channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Springfield-Windsor Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this

Sec. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution

of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Serv-

ice, and

- (2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.
- SEC. 7. Issuance of statements of availibility by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availibility from his employer if:
- (1) He has been discharged, or his employment has been otherwise terminated by his employer, or
- (2) He has been laid off for an indefinite period, or for a period of seven or more days, or
- (3) Continuance in his employment would involve undue personal hardship,
- (4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or
- (5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor

Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without

prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has

a statement of availability.

(3) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall

instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The Employer hiring the above-named worker shall not retain such worker in his and shall not issue a employ after ___ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. Referral in case of under-utilization. If an individual is em-ployed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment . Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a criti-

cal occupation, or

(2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to

be made), or (4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, provided that no such individual shall be deferred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided further that such an individual may be hired for nonagricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(1) In violation of this program, or (2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for

agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(6) The hiring of a school teacher for vacation employment or the rehiring cf a school teacher for teaching at the termination of the vacation period, or

(7) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or, his representative upon request.

Sec. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the Springfield-Windsor Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

Sec. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

Sec. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

Sec. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

Sec. 19. Effective date. This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: July 24, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 9, 1944.
ARTHUR C. GERNES,
Regional Director.

APPENDIX A-DESIGNATION OF THE SPRINGFIELD-WINDSOR AREA

The Springfield-Windcor Area is comprised of the territories included in the following cities and towns of the State of Vermont:

SPRINGFIELD LOCAL OFFICE

The following towns in Windcor County: Andover, Baltimore, Cavendich, Chester, Ludlow, Springfield, Weathersfield and Weston.

The following towns in Windham County: Athens, Grafton, Londonderry, Rockingham, Westminster and Windham.

The following town in Rutland County: Mount Holly.

WINDSOR LOCAL OFFICE

The following towns in Windsor County: Barnard, Bridgewater, Hartford, Hartland, Norwich, Plymouth, Pomfret, Reading, Royalton, Sharon, West Windsor, Windsor and Woodstock.

APPENDIX B-ADDITIONAL CONTECLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Springfield-Windcor Area as additional controlled occupations:

Automobile mechanic. Card stripper. Laborer, any industry. Truck driver.

[F. R. Doc. 44-12701; Filed, August 22, 1944; 1:36 p. m.]

SPRINGFIELD-WHIDSOR, VT., AREA
AMENDMENT TO EMPLOYMENT STABILIZATION
PROGRAM

The Employment Stabilization Program for the Springfield-Windsor Area, dated October 15, 1943, is hereby amended as follows:

- 1. Section 2 (6) is hereby amended by inserting after the words "Springfield-Windsor Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:
- (6) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Springfield-Windsor Area with the approval of the Regional Director to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in the area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Springfield-Windsor Area,".

3. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the second paragraph of section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed . from "Referral in case of under-utilization" to "Referral by the United States Employment Service".

Necessarily subparagraph (4) of section 8 thereby becomes subparagraph (3). In this subparagraph (3) the following sentence is hereby added after the

word "employment" at the end of the first paragraph:

Nothing in this section shall be construed to supersede the provisions of section 10 (4).

- 4. Section 10 (3) is hereby amended by deleting all the part enclosed in parentheses so that said subparagraph shall read as follows:
- (3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

Section 10 shall be amended by adding the following new subparagraph which shall be effective July 1, 1944:

- (5) The new employee is a male worker.
- 5. The following section on employment ceilings is hereby added to this program and becomes section 11.

Sec. 11. Employment ceilings. The State Manpower Director may fix for all or any establishments in the Springfield-Windsor Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort, Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (1) in the opening paragraph so that it shall read:

An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

The addition of the new section on employment ceilings necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by de-Ieting subparagraph (7) in its entirety. The addition of the new section on employment ceilings necessitates renumbering section 12 to section 13.

8. The addition of the new section on employment ceilings necessitates renumbering sections 13 and 14 to sections 14

and 15 respectively.

9. Section 15 is hereby amended by changing the language of the second paragraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the Springfield-Windsor Area for work to be performed within the area, and no advertising or solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on employment ceilings necessitates renumbering section 15 to section 16.

10. The addition of the new section on employment ceilings necessitates renumbering sections 16, 17, 18 and 19 to sections 17, 18, 19 and 20 respectively.

11. Appendix B is hereby amended by inserting after the words "Springfield-Windsor Area" in the second line the words "with the approval of the Regional Director".

Dated: July 24, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 9, 1944. ARTHUR C. GERNES, Regional Director.

[F. R. Doc. 44-12702; Filed, August 22, 1944; 1:37 p. m.]

Brattleboro, Vt., Area `

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Brattleboro Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943 (8 F.R. 11338).

Sec.

- 1. Purpose.
- 2. Definitions.
- 3. Control of hiring and solicitation of work-
- 4. Authority and responsibilities of Management Labor Committee.
 5. Encouragement of local initiative and use
- of existing hiring channels.
- 6. General.
- 7. Issuance of statements of availability by employers.
- 8. Issuance of statements of availability by United States Employment Service. 9. Referral in case of under-utilization.
- Workers who may be hired only upon referral by the United States Employ-ment Service.
- 11. Hiring contrary to the program.
- 12. Exclusions.
- Appeals.
 Statements of availability. 15. Solicitation of workers.
- 16. Hiring.
- 17. Representation.
- 18. General referral policies.
- 19. Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the Brattleboro Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (1) The elimination of wasteful labor turnover in essential activities,
- (2) The reduction of unnecessary labor migration.
- (3) The direction of the flow of scarce labor where most needed in the war program.
- (4) The maximum utilization of manpower resources.

Sec. 2. Definitions. As used in this employment stabilization program: (1) The-"Brattleboro Area" is comprised of the territory designated in Appendix A.

(2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or man-agement of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(3) "State" includes Alaska, Hawaii,

and the District of Columbia.

(4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supple-. mental to the employee's principal work shall be disregarded.

(5) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War

Manpower Commission.

(6) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Brattleboro Area to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(b) An occupation in which the demand for workers in such area exceeds

the available supply.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

- (8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.
- (9) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment means his principal employment.
- Sec. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Brattleboro Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

Sec. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Brattleboro Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Brattleboro Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

- SEC. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:
- (1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and
- (2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.
- Sec. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:
- (1) He has been discharged, or his employment has been otherwise terminated by his employer, or
- (2) He has been laid off for an indefinite period, or for a period of seven or more days, or
- (3) Continuance in his employment would involve undue personal hardship, or
- (4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or
- (5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding

that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(3) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The Employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

Sec. 9. Referral in case of underutilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, Provided that, no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and Provided further, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(1) In violation of the program, or

(2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(7) The transfer of workers between agencies and departments of the Federal Government.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continu-ance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

Sec. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the Brattleboro Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

Sec. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be

made without discrimination as to race. color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U.S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

Sec. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 15. Effective date. This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 7, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 11, 1944. ARTHUR C. GERNES, Regional Director.

APPENDIX A-DESIGNATION OF THE BRATTLEBORO AREA

The Brattleboro Area is comprised of the territories included in the following cities and towns of the State of Vermont:

Brattleboro Local Office

The following cities and towns in Windham County: Brattleboro, Brookline, Dover, Dummerston, Guilford, Halifax, Jamaica, Marlboro, Newfane, Putney, Somerset, Stratton, Townshend, Vernon, Wardsboro, Whitingham, and Wilmington.

APPENDIX B-ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Brattleboro Area as additional controlled occupations: Automobile Mechanic, Cutter, machine, Cyl-inder Pressman, Fireman, Laborer, and industry, Saw Operator, Sewing Machine Operator, Spinner, Teamster, and Weaver.

[F. R. Doc. 44-12707; Filed August 22, 1944; 1:39 p. m.]

BRATTLEBORO, VT., AREA

AMENDMENT TO EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Brattleboro Area effective October 15, 1943, is hereby amended in the following respects:

- 1. Section 2 (6) is hereby amended by inserting after the words "Brattleboro Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:
- (6) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Brattleboro Area with the approval of the Regional Director to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Brattleboro Area".

3. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the sec-

ond paragraph of section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed from "Referral in case of under-utilization" to "Referral by the United States Employment Service."

Necessarily subparagraph (4) of section 8 thereby becomes subparagraph (3). In this subparagraph (3) the following sentence is hereby added after the word "employment" at the end of the first paragraph:

Nothing in this section shall be construed to supersede the provisions of section 10 (4),

- 4. Section 10 (3) is hereby amended by deleting all the part enclosed in parenthesis so that said subparagraph shall read as follows:
- (3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30day period, or

Section 10 shall be amended by adding the following new subparagraph which shall be effective July 1, 1944:

- (5) The new employee is a male worker.
- 5. The following section on Employment Ceilings is hereby added to this program and becomes section 11:

SEC. 11. Employment ceilings. State Manpower Director may fix for all or any establishments in the Brattleboro Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (1) in the opening paragraph so that it shall read:

An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

The addition of the new section on Employment Ceilings necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by deleting subparagraph (7) in its entirety.

The addition of the new section on Employment Ceilings necessitates renumbering section 12 to section 13.

- The addition of the new section on Employment Ceilings necessitates renumbering sections 13 and 14 to sections 14 and 15 respectively.
- 9. Section 15 is hereby amended by changing the language of the second paragraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the Brattleboro Area for work to be performed within the area, and no advertising or solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on Employment Ceilings necessitates renumbering section 15 to section 16.

- 10. The addition of the new section on Employment Ceilings necessitates renumbering sections 16, 17, 18 and 19 to sections 17, 18, 19 and 20 respectively.
- 11. Appendix B is hereby amended by inserting after the words "Brattleboro Area" in the second line the words

"with the approval of the Regional Director".

Dated: August 7, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 11, 1944. ARTHUR C. GERNES, Regional Director.

[F. R. Doc. 44-12708; Filed, August 22, 1944; 1:42 p. m.]

ST. JOHNSBURY, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the St. Johnsbury Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program," effective August 16, 1943 (8 F.R. 11338).

- 1. Purpose.
- 2. Definitions.
- 3. Control of hiring and colicitation of
- Authority and responsibilities of management-labor committee.
- 5. Encouragement of local initative and uce of existing hiring channels.
- 7. Issuance of statements of availability of employers.
- 8. Issuance of statements of availability by United States Employment Service.
- 9. Referral in case of under-utilization.
- 10. Workers who may be hired only upon referral by the United States Employment Service.
- 11. Hiring contrary to the program.
- 12. Exclusions.
- 13. Appeals.
- 14. Statements of availability.
- 15. Solicitation of workers.
- 16. Hiring.
- 17. Representation.
- 18. General referral policies.
- 19. Effective date.

Section 1. Purpose. This employment stabilization program has been adopted in the St. Johnsbury Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (1) The elimination of wasteful labor turnover in essential activities,
- (2) The reduction of unnecessary labor migration,
- (3) The direction of the flow of scarce labor where most needed in the war program,
- (4) The maximum utilization of manpower resources.
- SEC. 2. Definitions. As used in this employment stabilization program:
- (1) The "St. Johnsbury Area" is comprised of the territory designated in Ap-
- pendix A.
 (2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry.

and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(3) "State" includes Alaska, Hawaii,

and the District of Columbia.

- (4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.
- (5) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(6) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the St. Johnsbury Area to be either

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(b) An occupation in which the demand for workers in such Area exceeds

the available supply.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

- (8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.
- (9) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.
- SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the St. Johnsbury Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

Sec. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the St. Johnsbury Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the St. Johnsbury Area, shall encourage local initia-

tive and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

- SEC. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:
- (1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and
- (2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.
- SEC. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:
- (1) He has been discharged, or his employment has been otherwise terminated by his employer, or
- (2) He has been laid off for an indefinite period, or for a period of seven or more days, or
- (3) Continuance in his employment would involve undue personal hardship,
- (4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulations, or
- (5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of avail- . ability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(3) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

- (4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.
- A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The Employer hiring the above-named worker shall not retain such worker in his employ after _ . and shall not issue a statement of availability to such worker upon his release.

SEC. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, (or in accordance with arrangements with, the United States Employment Service:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occu-

pation, or
(3) That the new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, Provided, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and Provided further, That such an individual may be hired for nonagricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availa-

SEC. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,
(1) In violation of this program, or

(2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration. or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(4) The hiring by a foreign, State, County, or municipal government, or their political subdivisions or their agencles and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(7) The transfer of workers between agencies'and departments of the Federal Government.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the St. Johnsbury Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

SEC. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purpose of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U.S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

Sec. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

Sec. 18. General rejerral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

Sec. 19. Effective date. This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such a date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 7, 1944.

E. REYNOLD JOHNSON. State Director.

Approved: August 16, 1944. DAVID G. NAGLE, Acting Regional Director.

Appendix A-Designation of the St. Johns-BURY AREA

The St. Johnsbury Area is comprised of the territories included in the following towns of the State of Vermont:

ST. JOHNSBURY LOCAL OFFICE

The following towns in Caledonia County: Barnet, Burke, Danville, Groton, Hardwick, Kirby, Lyndon, Peacham, Ryegate, St. Johns-bury, Shefield, Stannard, Sutton, Walden, Waterford, and Wheelock.

The following towns in Eccex County: Concord, East Haven, Granby, Guildhall, Lunenburg, and Victory.

The following towns in Orleans County: Craftsbury and Greensboro. The following towns in Washington

County: Cabot and Woodbury.

APPENDIX B-ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the St. Johnsbury Area as additional controlled occupations:

Back Tender Paper Maker Scale Mechanic

JF. R. Doc. 44-12699; Filed, August 22, 1944; 1:36 p. m.]

ST. JOHNSBURY, VT., AREA

AMENDMENT TO EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the St. Johnsbury Area effective October 15, 1943, is hereby amended in the following respects:

1. Section 2 (6) is hereby amended by inserting after the words "St. Johnsbury Area" in the second line, the words "withthe approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:

(6) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the St. Johnsbury Area with the approval of the Regional

Director to be either:

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in the area exceeds the

available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the St. Johnsbury Area,".

2. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the second paragraph of section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed from "Referral in case of under-utilization" to "Referral by the United States

Employment Service."

Necessarily subparagraph (4) of section 8 thereby becomes subparagraph (3). In this subparagraph (3) the following sentence is hereby added after the word "employment" at the end of o the first paragraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (4).

- 4. Section 10 (3) is hereby amended by deleting all the part enclosed in parenthesis so that said subparagraph shall read as follows:
- (3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30day period, or

Section 10 shall be amended by adding the following new subparagraph which shall be effective July 1, 1944:

- (5) The new employee is a male worker.
- 5. The following section on employment ceilings is hereby added to this program and becomes section 11:

No. 169---5

SEC. 11. Employment ceilings. The State Manpower Director may fix for all or any establishments in the St. Johnsbury Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable

6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (1) in the opening paragraph so that it shall read: "An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program." The addition of the new section on employment ceilings necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by deleting subparagraph (7) in its entirety. The addition of the new section on employment ceilings necessitates renumbering section 12 to section 13.

8. The addition of the new section on employment ceilings necessitates renumbering sections 13 and 14 to sections 14 and 15 respectively.

9. Section 15 is hereby amended by changing the language of the second paragraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the St. Johnsbury Area for work to be performed within the area, and no advertising or solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on em- . ployment ceilings necessitates renumbering section 15 to section 16.

10. The addition of the new section on employment ceilings necessitates renumbering sections 16, 17, 18, and 19 to sections 17, 18, 19 and 20 respectively.

11. Appendix B is hereby amended by inserting after the words "St. Johnsbury Area" in the second line the words "with the approval of the Regional Director."

Dated: August 7, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 16, 1944. DAVID G. NAGLE, Acting Regional Director.

[F. R. Doc. 44-12700; Filed, August 22, 1944; 1:36 p. m.]

BURLINGTON, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Burlington Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943 (8 F.R. 11338).

Sec.

- Purpose.
- Definitions. Control of hiring and solicitation of workers.
- Authority and responsibilities of Man-
- agement-Labor Committee. Encouragement of local initiative and use of existing hiring channels.

General.

- Issuance of statements of availability by employers.
- Issuance of statements of availability by United States Employment Service. Referral in case of under-utilization.
- Workers who may be hired only upon referral by the United States Employment Service.
- Hiring contrary to the program.

Exclusions.

- Appeals.
- Statements of availability.
- Solicitation of workers. 15.

Hiring. 16.

- Representation. 17.
- General referral policies.
- Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the Burlington Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (1) The elimination of wasteful labor turnover in essential activities,
- (2) The reduction of unnecessary labor migration.
- (3) The direction of the flow of scarce labor where most needed in the war program,
- (4) The maximum utilization of manpower resources.

SEC. 2. Definitions. As used in this employment stabilization program:

- (1) The "Eurlington Area" is comprised of the territory designated in Appendix A.
- (2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of-livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
- (3) "State" includes Alaska, Hawaii, and the District of Columbia.
- (4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' dura-

tion and employment which is supplemental to the employee's principal work. shall be disregarded.

(5) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(6) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Burlington Area to be either

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(b) An occupation in which the demand for workers in such Area exceeds the available supply.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(8) Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(9) The terms "employment" and "work" as applied to an individual engaged in-principal and supplementary employment mean his principal employ-D

SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Burlington Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Man-power Committee for the Burlington Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Burlington Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

Sec. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

- (1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and
- (2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.
- SEC. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:
- (1) He has been discharged, or his employment has been otherwise terminated by his employer, or
- (2) He has been laid off for an indefinite period, or for a period of seven or more days, or
- (3) Continuance in his employment would involve undue personal hardship, or
- (4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or
- (5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Sec. 8. Issuance of statements of availability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto. shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after no-

tice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his noncompliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(3) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The Employer hiring the above-named worker shall not retain such worker in his employ after _____ and chall not issue a statement of availability to such worker upon his release.

Sec. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

- (1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or
- (2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that

his last employment was in such an occupation, or

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work. Provided, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and Provided further, That such an individual may be hired for nonagricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,
(1) In violation of this program, or

(2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivision or their agencles and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(7) The transfer of workers between agencies and departments of the Federal Government.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

Sec. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the Burlington Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

Sec. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

Sec. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employ-

ment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

Sec. 19. Effective date. This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 7, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 16, 1944.

DAVID G. NAGLE,

Acting Regional Director.

APPENDIX A—DESIGNATION OF THE BURLINGTON
AREA

The Burlington Area is comprised of the territories included in the following cities and towns of the State of Vermont:

BURLINGTON LOCAL OFFICE

The following towns in Addison County; Addison, Bristol, Ferrisburg, Lincoln, Monkton, New Haven, Panton, Starksboro, Vergennes, Waltham, and Weybridge. The following cities and towns in Chitten-

The following cities and towns in Chittenden County: Bolton, Burlington City, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Mitton, Richmond, St. George, Sheiburne, So. Burlington, Underhill, Westford, Williston, and Winooski City.

The following towns in Franklin County: Bakersfield, Berkshire, Enosburg, Falrfax, Fairfield, Fletcher, Franklin, Georgia, Highgate, Montgomery, Elchford, St. Albans City, St. Albans Town, Sheldon, and Swanton.

The following towns in Grand Isle County: Alburgh, Grand Isle, Isle LaMotte, North Hero and South Hero.

APPENDIX B—Additional Controlled Occupations

The following have been designated by the Area Manpower Director for the Burlington Area, with the approval of the Regional Director, as additional controlled occupations:

Laborer, any industry.
Electrical appliance serviceman.
Gas appliance serviceman.
Weaver.
Spinner.
Dye reel operator.
Wet finisher.

[F. R. Doc. 44-12705; Filed, August 22, 1944; 1:38 p. m.]

BURLINGTON, VT., AREA

AMENDMENT TO EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Burlington Area effective October 15, 1943, is hereby amended in the following respects:

1. Section 2 (6) is hereby amended by inserting after the words "Burlington Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase

after the word "Director" so that the same shall read as follows:

(6) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Burlington Area with the approval of the Regional Director to be either

(a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(b) An occupation in which the demand for workers in the area exceeds the available supply.

Arlist of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Burlington Area".

the Burlington Area",.
3. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the second paragraph of section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed from "Referral in case of under-utilization" to "Referral by the United States Employment Service".

Necessarily subparagraph (4) of section 8 thereby becomes subparagraph (3). In this subparagraph (3) the following sentence is hereby added after the word "employment" at the end of the first paragraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (4)."

- 4. Section 10 (3) is hereby amended by deleting all the part enclosed in parentheses so that said subparagraph shall read as follows:
- (3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

Section 10 shall be amended by adding the following new subparagraph which shall be effective July 1, 1944:

(5) The new employee is a male worker.
5. The following section on employment ceilings is hereby added to this program and becomes section 11:

SEC. 11. Employment ceiling. The State Manpower Director may fix for all or any establishment in the Burlington Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified

types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (I) in the opening paragraph so that it shall read: "An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program."

The addition of the new section on employment ceiling necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by deleting subparagraph (7) in its entirety. The addition of the new section on employment ceilings necessitates renumbering section 12 to section 13.

8. The addition of the new section on employment ceilings necessitates renumbering sections 13 and 14 to sections 14 and 15 respectively.

9. Section 15 is hereby amended by changing the language of the second paragraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the Burlington Area for work to be performed within the area, and no advertising of solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on employment ceiling necessitates renumbering section 15 to section 16.

10. The addition of the new section on employment ceiling necessitates renumbering sections 16, 17, 18 and 19 to sections 17, 18, 19 and 20 respectively.

11. Appendix B is hereby amended by inserting after the words "Burlington Area" in the second line the words "with the approval of the Regional Director".

Dated: August 7, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 16, 1944. DAVID G. NAGLE, Acting Regional Director.

[F. R. Doc. 44-12706; Filed, August 22, 1944; 1:38 p. m.]

NEWPORT, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Newport Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program", effective August 16, 1943 (8 F.R. 11338).

Sec.

- 1. Purpose.
- 2. Definitions.
- 3. Control of hiring and colicitation of workers.
- 4. Authority and responsibilities of Management-Labor Committee.
- 5. Encouragement of local initiative and use of existing hiring channels.
- 6. General.
- 7. Issuance of statements of availability of employers.
- 8. Issuance of statements of availability by United States Employment Service. 9. Referral in case of under-utilization.
- Workers who may be hired only upon referral by the United States Employment Service.
- 11. Hiring contrary to the program.
- 12. Exclusions.
- 13. Appeals.
- 14. Statements of availability.
- 15. Solicitation of workers.
- 16. Hiring.
- 17. Representation.
- 18. General referral policies. 19. Effective date.

SECTION 1. Purpose This employment stabilization program has been adopted in the Newport Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (1) The elimination of wasteful labor turnover in essential activities,
- (2) The reduction of unnecessary labor migration.
- (3) The direction of the flow of scarce labor where most needed in the war program.
- (4) The maximum utilization of manpower resources.

Sec. 2. Definitions. As used in this employment stabilization program: (1) "The Newport Area" is comprised of the

- territory designated in Appendix A.
 (2) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
- (3) "State" includes Alaska, Hawaii, and the District of Columbia.
- (4) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.
- (5) "Critical occupation" means any occupation designated as a critical occu-

pation by the Chairman of the War Manpower Commission.

- (6) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Newport Area to be either:
- (a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(b) An occupation in which the demand for workers in such Area exceeds the available supply.

(7) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(8) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(9) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

Sec. 3. "Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Newport Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

Sec. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Newport Area is authorized to consider questions of policy. standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

Sec. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Newport Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

Sec. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to ald in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity

or for work to which he has been referred by the United States Employment

Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

- Sec. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall creceive a statement of availability from his employer if:
- (1) He has been discharged, or his employment has been otherwise terminated by his employer, or
- (2) He has been laid off for an indefinite period, or for a period of seven or more days, or
- (3) Continuance in his employment would involve undue personal hardship,
- (4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or
- (5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without

prejudice.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his noncompliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person

has a statement of availability.

(3) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(4) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment, Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availabilty and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The Employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not is-'sue a statement of availability to such worker upon his release.

SEC. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

- (1) The new employee is to be hired for work in a critical-occupation, or his statement of availability indicates that. his last employment was in a critical occupation, or
- (2) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or
- (3) That the new employee has not lived or worked in the locality of the

new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: Provided, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: And provided further, That such an individual may be hired for nonagricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired.

(1) In violation of this program, or (2) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(1) The hiring of a new employee for agricultural employment, or

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individ-ual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

- (4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or
- (5) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or
- (6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period. or
- (7) The transfer of workers between agencies and departments of the Federal Government.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

All advertising or other solicitation for workers inside or outside the Newport Area for work to be performed within or without the Area shall not be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

SEC. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U.S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

Sec. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Man-power Commission to make referrals in

accordance with approved policies and instructions of the War Manpower Com-

Sec. 19. Effective date. This program shall become effective October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such a date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 7, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 16, 1944. DAVID G. NAGLE, Acting Regional Director.

APPENDIX A-DESIGNATION OF THE NEWPORT

The Newport Area is comprised of the territories included in the following cities and towns of the State of Vermont:

Newport Local Office

The following towns in Orleans County: Albany, Barton, Brownington, Charleston, Conventry, Derby, Glover, Holland, Irasburg, Lowell, Jay, Morgan, Newport, Troy, Westfield and Westmore.

The following towns in Exex County: Averill, Averys Gore, Bloomfield, Brighton, Brunswick, Canaan, Ferdinand, Lemington, Lewis, Maldstone, Norton and Warren Gore,

APPENDIX B-ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Newport Area as additional controlled occupations:

[F. R. Doc. 44-12703; Filed, August 22, 1944; 1:37 p. m.j

NEWFORT, VT., AREA

AMENDMENT TO EMPLOYMENT STABILIZATION PROGRALI

The Employment Stabilization Program for the Newport Area effective October 15, 1943, is hereby amended in the following respects:

- 1. Section 2 (6) is hereby amended by inserting after the words "Newport Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:
- (6) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Newport Area with the approval of the Regional Director to be either:
- (a) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or
- (b) An occupation in which the demand for workers in the area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, starting in the first line, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Newport Area,".

3. Section 8 is hereby amended by deleting subparagraph (3) in its entirety and inserting the following as the second

paragraph of section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

The title of section 9 is hereby changed from "Referral in case of under-utilization" to Referral by the United States Employment Service." Necessarily subparagraph (4) of section 8 thereby becomes subparagraph (3). In this sub-paragraph (3) the following sentence is hereby added after the word "employment" at the end of the first paragraph:

Nothing in this section shall be construcd to supersede the provisions of section 10 (4).

4. Section 10 (3) is hereby amended by deleting all the part enclosed in parenthesis so that said subparagraph shall read as follows:

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

Section 10 shall be amended by adding the following new subparagraph which shall be effective July 1, 1944:

- (5) The new employee is a male
- 5. The following section on Employment Cellings is hereby added to this program and becomes section 11.
- SEC. 11. Employment ceilings. State Manpower Director may fix for all or any establishments in the Newport Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war cort. Except as authorized by the State Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.
- 6. Section 11 is hereby amended by deleting subparagraph (2) and incorporating subparagraph (1) in the opening paragraph so that it shall read:

An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

The addition of the new section on Employment Ceilings necessitates renumbering section 11 to section 12.

7. Section 12 is hereby amended by deleting subparagraph (7) in its entirety.

The addition of the new section on Employment Ceilings necessitates renumbering section 12 to section 13.

8. The addition of the new section on Employment Ceilings necessitates renumbering sections 13 and 14 to sections 14 and 15 respectively.

9. Section 15 is hereby amended by changing the language of the secondparagraph to read as follows:

No advertising or other solicitation by employers for workers inside or outside the Newport Area for work to be performed within the area, and no advertising or solicitation for workers in the area for work to be performed outside the area shall be conducted except with the approval of the United States Employment Service of the War Manpower Commission.

The addition of the new section on Employment Ceilings necessitates renumbering section 15 to section 16.

10. The addition of the new section on -Employment Ceilings necessitates renumbering sections 16, 17, 18, and 19 to sections 17, 18, 19 and 20 respectively.

11. Appendix B is hereby amended by inserting after the words "Newport Area" in the second line the words "with the approval of the Regional Director".

Dated: August 7, 1944.

E. REYNOLD JOHNSON, State Director.

Approved: August 16, 1944. DAVID G. NAGLE. Acting Regional Director.

[F. R. Doc. 44-12704; Filed, August 22, 1944; 1:38 p. m.]

MILWAUKEE, WIS., AREA EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Milwaukee War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

- 1. Objectives.
- 2. Geographic content of the area.
- 3. Definitions of terms used in this plan.
- 4. Control of hiring and solicitation of work-
- Provisions governing the orderly trans-fer of workers.
- 6. Authority and responsibility of the Milwaukee Area Labor-Management War Manpower Committee.
- 7. Revocation of existing stabilization plans.

8. Effective date.

SECTION 1. Objectives. The purpose of this employment stabilization plan is to

- assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary labor migration;

(c) The direction of the flow of scarce labor where most needed in the war program;

(d) The maximum utilization of manpower resources;

(e) The establishment of procedures for the orderly transfer of essential workers.

SEC. 2. Geographic content of the area. The Milwaukee Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Milwaukee, Ozaukee, Washington and Wau-

The boundaries of the Milwaukee Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

SEC. 3. Definitions of terms used in this plan. (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees' and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (8 F.R. 11421, 9 F.R. 3439).

"Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) "The War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) "The Milwaukee Area Labor-Management War Manpower Committee," referred to herein as the Area Committee,

is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Milwaukee Area Labor-Management War Manpower Committee.

(j) "The United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employ-

ment office of that Service.
(k) "The Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(1) The "Area Director" is the admin-istrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this

Sec. 4. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, and for work in, the Milwaukee Area shall be conducted in accordance with this plan.

Sec. 5. Provisions governing the orderly transfer of workers—(a) General provisions. (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been re-

ferred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

(2) Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(i) He has been discharged, or his employment has been otherwise terminated by his employer, or

(ii) He has been laid off for an indefinite period, or for a period of seven or more days, or

(iii) Continuance of his employment would involve undue personal hardship, \mathbf{or}

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(v) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(3) Issuance of statements of availability by the USES. (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his noncompliance after such finding.

(4) Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(5) Workers who may be hired only upon referral by the USES. (i) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-

day period;

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such an individual shall be referred to nonagricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(ii) Encouragement of local initiative and use of existing hiring channels. To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(6) Exclusions. No provision of this employment stabilization plan shall be applicable to:

(i) The hiring of a new employee for agricultural employment;

(ii) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration;

(iii) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii:

States, except Alaska and Hawail;
(iv) The hiring by a foreign, state, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, state, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(v) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(vi) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) Appeals. Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

(8) Content of statement of availability. A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employeer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

(9) Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(10) Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(11) Representation. Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

(12) General referral policies. No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) Collective bargaining agreements. Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

Sec. 6. Authority and responsibility of the Milwaukee Area Labor-Management War Manpower Committee. The Area Labor-Management War Manpower Committee for the Milwaukee Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Manpower Director.

Sec. 7. Revocation of existing stabilization plans. The Milwaukee Area stabilization plan, effective January 16, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

SEC. 8. Effective date. This plan shall become effective at 12:01 a.m. on October 14, 1943.

Signed: September 28, 1943.

Ben Thompson, Acting Area Director.

Approved: October 5, 1943. W. H. Spencer, Regional Director.

[F. R. Doc. 44-12710; Filed, August 22, 1944; 1:43 p. m.]

RACINE, WIS., AREA

EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Racine War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

- 1. Objectives.
- Geographic content of the area.
 Definitions of terms used in this plan.
- 4. Control of hiring and colicitation of work-
- Provisions governing the orderly transfer of workers.
- Authority and responsibility of the Racine Area Labor-Management War Manpower Committee.
- 7. Posting partment provisions of this plan. 8. Effective date.

Section 1. Objectives. The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary labor migration;

(c) The direction of the flow of scarce labor where most needed in the war program;

¹ In view of the other provisions of this plan this subsection has been construed as applicable only with respect to seniority or similar reemployment rights of the type described.

(d) The maximum utilization of manpower resources;

(e) The establishment of procedures for the orderly transfer of essential workers.

SEC. 2. Geographic content of the area. The Racine Area has been designated by the Regional Director of the War Manpower Commission to consist of Racine County, Wisconsin. The boundaries of the Racine Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

Sec. 3. Definitions of terms used in this plan. (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii,

and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Man-

power Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421, 9 F.R. 3439).

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

- (i) The "Racine Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Racine Area Labor-Management War Manpower Committee.
- (j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.
- (k) The "Regional Director" is the chief administrative officer of the War

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Manpower Commission for Region VI, which consists of the following States:

Illinois, Indiana, Wisconsin.

(1) The "Area Director" is the administrative officer of the War Manpower Commission, responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

Sec. 4. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Raçine Area shall be conducted in accordance with this plan.

Sec. 5. Provisions governing the orderly transfer of workers—(a) General provisions. (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been re-

ferred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

(2) Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(i) He has been discharged, or his employment has been otherwise termi-

nated by his employer, or

(ii) He has been laid off for an indefinite period, or for a period of seven or more days, or

(iii) Continuance of his employment would involve undue personal hardship, or

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(v) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(3) Issuance of statements of availability by the USES. (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availabilty shall be issued by the USES to any individual in

the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(4). Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(5) Workers who may be hired only upon referral by the USES. (1) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(b) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-

day period.

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(ii) Encouragement of local initiative and use of existing hiring channels. To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(6) Exclusions. No provision of the employment stabilization plan shall be ap-

plicable to:

(i) The hiring of a new employee for agricultural employment:

(ii) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the plan, unless the employee is customarily engaged in work of less than seven days' duration.

(iii) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(iv) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political sub-

division or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(v) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment

was in domestic service.

(vi) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) Appeals. Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

- (8) Contents of statements of avail-"ability. A statement of availability issued to an individual pursuant to the plan shall contain only the individual's name, address, social security number, if any, the name and address, of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.
- (9) Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the employment stabilization plan, except in a manner consistent with such restric-

tions.

(10) Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin or, except as required by law, citizenship.

(11) Representation. Nothing contained in the plan shall be construed to restrict anf individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

(12) General referral policies. No provision in the plan shall limit the authority of the USES to make referrals in accordance with approved policies and

instructions of the WMC.

(13) Collective bargaining agreements. Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.1.

SEC. 6. Authority and responsibility of the Racine Area Labor-Management War Manpower Committee. The Area Labor-Management War Manpower Committee for the Racine Area is authorized to consider questions of policy,

standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

Sec. 7. Posting pertinent provisions of this plan. The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any others appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Racine Area of the WMC, Region VI.

Sec. 8. Effective date. This plan shall become effective at 12:01 a.m. on October 1, 1943.

Signed: September 22, 1943.

Rupus D. Scoon, Special Representative.

Approved: September 29, 1943. W. H. SPENCER,

Regional Director.

[F. R. Doc. 44-12711; Filed, August 22, 1944; 1:44 p. m.]

FORT WAYNE, IND., AREA EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Fort Wayne, Indiana, War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Objectives.

2. Geographic content of the area.

- Definitions of terms used in this plan. 4. Control of hiring and colicitation of work-
- 5. Provisions governing the orderly transfer of workers.
- 6. Authority and responsibility of the Fort Indiana, Area Labor-Manage-Wayne, ment War Manpower Committee.
- 7. Posting pertinent provisions of this plan. 8. Revocation of existing stabilization plans.
- 9. Effective date.

Section 1. Objectives. The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary labor migration;

- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

Sec. 2. Geographic content of the area. The Fort Wayne, Indiana, Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties: Adams, Allen, De Kalb, Huntington, La Grange, Noble, Steuben, Wabash, Wells, and Whitley.

The boundaries of the Fort Wayne, Indiana, Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

Sec. 3. Definitions of terms used in this plan. (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
(b) "State" includes Alaska, Hawaii,

and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employ-ment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Man-

power Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421, 9 F.R. 3439).

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed

activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred

to as WMC.
(i) The "Fort Wayne, Indiana, Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of management and labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Fort Wayne, Indiana, Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employ-

ment office of that Service.
(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(1) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional

In view of the other provisions of this plan, this subsection has been construed as applicable only with respect to seniority or similar reemployment rights of the type described.

Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

Sec. 4. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Fort Wayne, Indiana Area shall be conducted in accordance with this plan.

SEC. 5. Provisions governing the orderly transfer of workers—(a) General provisions. (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred

by the USES, and

- (ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.
- (2) Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:
- (i) He has been discharged, or his employment has been otherwise terminated by his employer, or
- (ii) He has been laid off for an indefinite period, or for a period of seven or more days, or
- (iii) Continuance of his employment would involve undue personal hardship, or
- (iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or
- (v) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.
- (3) Issuance of statements of availability by the USES. (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.
- (ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such em-

ployer continues his non-compliance after such finding.

(4) Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(5) Workers who may be hired only upon referral by the USES. (i) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with the USES when.

with, the USES when:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-

day period;

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(ii) Encouragement of local initiative and use of existing hiring channels. To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(6) Exclusions. No provision of this employment stabilization plan shall be applicable to:

(i) The hiring of a new employee for

agricultural-employment;

(ii) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration:

(iii) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii;

(iv) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(v) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(vi) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) Appeals. Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

(8) Content of statements of availability. A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address, of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

(9) Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(10) Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(11) Representation. Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

(12) General referral policies. No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) Collective bargaining agreements, Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bar-

gaining agreement.

Sec. 6. Authority and responsibility of the Fort Wayne, Indiana, Area Labor-Management War Manpower Committee. The Area Labor-Management War Manpower Committee for the Fort Wayne, Indiana, Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

SEC. 7. Posting pertinent provisions of this plan. The pertinent provisions of

¹In view of the other provisions of this plan, this subsection has been construed as applicable only with respect to seniority or similar reemployment rights of the type described.

this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Fort Wayne, Indiana, Area of the WMC, Region VI.

SEC. 8. Revocation of existing stabilization plans. The Fort Wayne, Indiana Area stabilization plan, effective May 17, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

Sec. 9. Effective date. This plan shall become effective at 12:01 a. m. on October 14, 1943.

Signed: September 28, 1943.

ROLAND SCHULZ, Area Director.

Approved: October 5, 1943. W. H. SPENCER, Regional Director.

[F. R. Doc. 44-12709; Filed, August 22, 1944; 1:43 p. m.]

COLORADO

EMPLOYMENT STABILIZATION PROGRAM

The following Employment Stabilization Program for Colorado is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program", effective August 16, 1943 (8 F.R. 11338).

Sec.

- 1. Purpose.
- Definitions.
- 3. Control of hiring and solicitation of workers.
- 4. Encouragement of local initiative and use of existing hiring channels.
- 5. General.
- 6. Issuance of statements of availability by employers.
- 7. Issuance of statements of availability by United States Employment Service.
- 8. Referral in case of under-utilization. 9. Workers who may be hired only upon referral by the United States Employment
- Service. 10. Hiring of workers last employed in certain occupations in-lumbering and in mining, milling, smelting and refining activities.
- 11. Release of workers hired contrary to pro-
- Short term employment.
 Exclusions.
- 14. Appeals.
- 15. Content of statements of availability.
- 16. Retention of statement of availability or referral card by employer.
- 17. Solicitation of workers.
- 18. Hiring and discharge. 19. Continuance on job.
- 20. Representation.
- 21. General referral policies.
- 22. Enforcement of program.
- 23. Collective bargaining agreements. 24. Employment ceilings.
- 25. Control of migration.
- 26. Effective date.

SECTION 1. Purpose. The purpose of this Employment Stabilization Program is to assist the War Manpower Commis-

- sion in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:
- (1) The elimination of wasteful labor turnover in essential activities,
- (2) The reduction of unnecessary labor migration,
- (3) The direction of the flow of scarce labor where most needed in the war program,
- (4) The maximum utilization of manpower resources.
- Sec. 2. Definitions. For the purpose of the program:
- (1) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(2) "State" includes Alaska, Hawaii, and the District of Columbia.

- (3) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days duration and employment which is supplemental to the employee's principal work shall be disregarded.
- (4) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.
- (5) "Essential activity" . means any activity included in the War Manpower Commission List of Essential Activities (8 F.R. 11421, 9 F.R. 3439). (6) "Locally needed activity" means
- any activity approved by the Regional Manpower Director as a locally needed activity.
- (7) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.
- (8) The term "discharge" includes refusal of an employer to reemploy a worker in his former or a comparable position without prejudice.
- (9) "Employment ceiling" means the highest level of total employment or of specified types of employees which an establishment is not permitted to exceed, based upon an approved and necessary production schedule. Ceilings may be established so as to:
 - (a) Permit employment expansion,
- (b) Maintain employment at present levels, or
 - (c) Reduce the employment level.
- (10) "Manpower allowance" means an administrative determination of the number of employees or specified types of employees within the ceiling which an establishment is currently not permitted to exceed and is used as the means for the current allocation and referral of

available labor. This manpower allowance is subject to change as supply factors in the labor market may warrant.

(11) "Manpower priority committee" means a group of representatives of Federal procurement services and other Federal manpower claimant agencies who advise the State Manpower Director with respect to priorities, manpower allowances, and employment ceilings.

(12) "Priority referral" is a program which provides that employers in an area may hire male workers only from among those referred by the United States Employment Service of the War Manpower Commission or in accordance with arrangements approved by the United States Employment Service, so that workers may be referred to jobs in the order of the relative importance of those jobs to the war effort.

Sec. 3. Control of hiring and solicitation of workers. All hiring and solicita-tion of workers in, or for work in, the State of Colorado shall be conducted in accordance with this Employment Stabilization Program.

SEC. 4. Encouragement of local initiative and use of existing hiring channels. To the maximum degree consistent with this Employment Stabilization Program and with its objectives, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies.

Sec. 5. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 6. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

- (3) Continuance in his employment would involve undue personal hardship,
- (4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 7. Issuance of statements of availability by employers. A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 6 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

SEC. 8. Referral in case of underutilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 9. Workers who may be hired only upon referral by the United States Employment Service. A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period:

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: And provided, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or representation of a statement of availability.

(4) The new employee is a male worker over the age of 16.

Sec. 10. Hiring of workers last employed in certain occupations in lumbering and in mining, milling, smelting and refining activities. (1) A statement of availability issued to a worker whose last employment is or was in an occupation specified in Appendix A (occupations in activities in which manpower shortages threaten critically needed production) shall indicate that the worker has been so employed.

(2) A new employee whose statement of availability indicates that his last employment is or was in an occupation specified in Appendix A may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with the United States Employment Service.

Sec. 11. Release of workers hired contrary to program. Any employer shall, upon written request of the United States Employment Service, release from employment any worker whom it has hired contrary to the provisions of this program. Any worker so released shall be issued or denied a statement of availability or referred, so far as practicable on the basis of the facts existing when he was improperly hired.

Sec. 12. Short term employment. In order to facilitate the employment of individuals during vacation, off-season, or similar short periods, the United States Employment Service may, upon consent of the worker entitled thereto, issue statements of availability or referral cards containing limitations as to the length of time for which the worker is available for employment. Upon termination of the assigned time limit, such workers may be rehired by their former employers.

SEC. 13. Exclusions. No provision of the Employment Stabilization Program shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is suplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, State, county, or municipal government, or their political sub-divisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

Sec. 14. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under the Employment Stabilization Program, in accordance with

regulations and procedures of the War Manpower Commission.

Sec. 15. Content of statements of availability issued to an individual pursuant to the program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

SEC. 16. Retention of statement of availability or referral card by employer. Each employer upon hiring a worker upon presentation of a United States Employment Service referral card or a statement of availability, where referral cards are not necessary, shall retain and file such statement or referral card and shall make these cards and statements available for inspection upon request of the United States Employment Service.

When a worker is employed who does not need a referral card or a statement of availability, the employer shall retain a signed statement in his file showing the worker's name, address, last employer, and final employment date of the worker's last employment. This statement shall be retained in the file in lieu of the statement of availability or referral card.

SEC. 17. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the Employment Stabilization Program, except in a manner consistent with such restrictions.

Sec. 18. Hiring and discharge. (1) The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(2) In order to obtain the maximum utilization of available manpower, employers engaged in essential or locally needed activities shall refrain from discharging workers except for gross misconduct: Provided, That insofar as it will not interfere with the effective prosecution of the war, no employer shall be expected to retain in his employment, a worker who is incompetent or who fails to conform to reasonable shop rules or standards of conduct.

Sec. 19. Continuance on job. Pending the issuance of a statement of availability or referral card to a worker, he should remain on his job.

Sec. 20. Representation. Nothing contained in the program shall be construed to restrict any individual from scelling the advice and aid of, or from being rep-

resented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 21. General referral policies. No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

Sec. 22. Enforcement of program. (1) Violations of this program which con-stitute violations of War Manpower Commission Regulations No. 4 as amended August 16, 1943, issued pursuant to Executive Order 9328, are subject to the penal provisions of the act of October 2, 1942 (Pub. No. 729, 77th Cong.); the provisions of § 4001.10 of the regulations of the Economic Stabilization Director issued October 27, 1942. apply to all wages or salaries paid in violation of Regulation No. 4.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer or any other appropriate sanction may be invoked by the War Manpower Commission against an employer or worker who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Program. regulation, or policy, and for so long as such employer or worker continues his non-compliance after such finding.

SEC. 23. Collective bargaining agreements. No part of this stabilization program shall be construed to be in conflict with the requirements of any Federal or State law or any collective bargaining agreements, so long as such agreement is consistent with applicable War Manpower Commission policies, procedures, and standards.

SEC. 24. Employment ceilings. The State Manpower Director may fix for all or any establishments in the State of Colorado fair and reasonable employment ceilings and manpower allowances, limiting the number of employees or specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the State Manpower Director or his representative, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or manpower allowance currently applicable to

Sec. 25. Control of migration—(1) Out-migration. Any resident of the State of Colorado wishing to seek employment in any area within the States of Utah, Idaho, Montana, Colorado and Wyoming in which he has not worked or lived during the preceding 30-day period shall apply to the United States Employment Service office nearest his present home or place of employment for a statement of inter-area clearance. Such inter-area clearance statement shall be granted if;

(a) He is entitled to, or is not required to obtain, a statement of availability,

(b) His reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services.

(2) In - migration. An in - migrant worker may be employed only if:

(a) He has been granted a statement of inter-area clearance or its equivalent by the United States Employment Service in the area of his last residence or employment: Provided, That if the immigrant worker's last place of residence was outside the States of Montana, Utah, Idaho, Colorado and Wyoming, he may be employed if he presents a statement of availability or evidence that he is not required to obtain one; or

(b) He has been recruited through the clearance system of the United States Employment Service.

Sec. 26. Effective date. This program. revises and supersedes the Colorado Employment Stabilization Program of October 15, 1943 and shall become effective 12:01 a. m. July 1, 1944.

> L. A. West, State Manpower Director.

Approved:

JOHN E. GROSS, Acting Regional Director. APPENDIX A--Occupations in Lumering and MINING, MILLING, SMELTING, AND REFINING

1. All production and maintenance occupations in the following activities:

(a) Mining, dressing, and beneficiating (milling) of all minerals, with the exception of coal and the precious metals;
(b) Removal of overburden, sinking of

chafts, development of new ore bodies, and similar services performed preparatory to the

mining of the minerals specified above;
(c) Prospecting and exploration activities, in connection with the development of the minerals specified above, carried on in accordance with an authorization of or with the aid of a governmental agency, or as a substantial organized and responsible pursuit under a bona fide contract or authorization;

(d) Primary smelting and refining of the minerals specified above.

2. All production and maintenance occu-

pations in coal mining.

3. All production and maintenance occu-

pations in the following activities:

(a) All logging operations, irrespective of whether such operations are conducted by logging contractors or are carried on in com-bination with the operation of sawmilis or pulp mills;

(b) All operations of sawmills, including the operations of box factories operated in conjunction with sawmills at the same plant cite, but excluding cavmills carried on primarily in conjunction with pulp mills, shingle mills, match block and match plank operations, cooperage stock mills, cooperage establishments, and furniture establishments;

(c) All operations of planing mills engaged primarily in the production of dressed lumber, but excluding planing mills primarily engaged in the production of finished mili products such as shingles, doors, sashes, window frames, match blocks, and match planks and similar products;

(d) Veneer mill operations, including all activities incident to the production of venecr:

(e) Plywood mill operations, including all activities incident to the production of plywood.

The term "production and maintenance occupations" includes all engineering, technical, supervisory, service, and clerical occupations required in connection with the production and maintenance operations in the activities specified above. The term does not include occupations carried on in administrative offices removed from the site of productive operations.

[F. R. Dog. 44-12720; Filed, August 23, 1944; 10:45 a. m.]